

HOUSE BILL 935

Unofficial Copy
B1

2003 Regular Session
(3r0160)

ENROLLED BILL
-- Appropriations/Budget and Taxation --

Introduced by **The Minority Leader (By Request - Administration)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Budget Reconciliation and Financing Act of 2003**

3 FOR the purpose of altering a certain fee collected for certain identification of certain
4 vehicles authorized to transport alcoholic beverages; requiring that a certain
5 required audit report regarding the Maryland Economic Development
6 Corporation be submitted on or before a certain date each year; altering certain
7 provisions of law relating to funding certain functions of the Division of Labor
8 and Industry; ~~altering the distribution of uncashed pari-mutuel tickets;~~
9 delaying a requirement that the State budget include a certain appropriation to
10 the Department of General Services to pay rent to counties, including Baltimore
11 City, for certain space occupied by clerks of the circuit courts; requiring
12 Baltimore City and the counties to provide certain funding for law clerks for
13 circuit court judges; requiring the State Court Administrator to establish a
14 surcharge of a certain amount on certain recordable instruments for the Circuit
15 Court Real Property Records Improvement Fund; altering the authority to use
16 the Law Enforcement and Correctional Training Fund for certain purposes;
17 requiring certain local jurisdictions to submit certain information to the

1 Department of Public Safety and Correctional Services regarding numbers of
2 inmates and costs of operation of local correctional facilities; requiring the
3 Department to deduct certain amounts from certain reimbursements otherwise
4 due the jurisdiction if a local jurisdiction fails to submit the information when
5 due; requiring that the State pay certain costs of a new or enlarged existing local
6 correctional facility if the Secretary of the Department of Public Safety and
7 Correctional Services makes a certain determination under certain
8 circumstances; requiring that the Secretary of the Department of Public Safety
9 and Correctional Services review and study each county's local correctional
10 facility population under certain circumstances; *allowing certain minimum*
11 *required appropriations to be reduced to the extent certain reductions are made;*
12 clarifying the calculation of certain State aid to community colleges, Baltimore
13 City Community College, and private institutions of higher education; *altering*
14 *certain eligibility requirements for an institution to qualify for certain State aid*
15 *to private institutions of higher education;* making a certain technical change
16 relating to the amount of certain payments by the State to certain institutions of
17 higher education; delaying certain distributions to certain institutions of higher
18 education; altering the amount of the fee collected by the Department of Health
19 and Mental Hygiene for certain certificates and expanding the range of
20 certificates for which a fee is collected; *requiring the Department of Health and*
21 *Mental Hygiene to collect certain fees for the processing of an adoption, foreign*
22 *adoption, legitimation, or adjudication of paternity;* increasing the amount of
23 certain fees collected by local health departments that is required to be
24 transferred to the General Fund of the State; altering the calculation of
25 reimbursement rates for certain community services providers serving
26 individuals with developmental disabilities; altering the required frequency of
27 certain tobacco and cancer studies; altering the calculation of certain tobacco
28 and cancer grants to local jurisdictions; codifying a certain requirement that the
29 Governor include a certain minimum amount in appropriations in the annual
30 budget for certain activities aimed at reducing tobacco use in Maryland;
31 repealing a requirement that the Office of Legislative Audits audit the
32 Governor's Wellmobile Program annually; providing that for certain fiscal years
33 a certain fund shall be used exclusively for certain purposes; requiring the
34 Maryland Children's Health Program to be administered for certain individuals
35 at certain incomes through the Maryland Medical Assistance Program and
36 under certain requirements; repealing a MCHP private option plan requiring
37 certain employer-sponsored health benefit plans; requiring certain individuals
38 for a certain fiscal year to pay a certain family contribution as a requirement of
39 enrollment and participation in a ~~managed care organization~~ *certain health care*
40 *plan;* providing that the family contribution applies on a certain basis regardless
41 of certain enrollment in the ~~managed care organization~~ *certain health care*
42 *plan;* altering the amount that the Governor is required to include in the annual State
43 budget to cover certain costs of a certain program; eliminating the ceiling on the
44 amount of administrative expenses that may be paid from a certain fund;
45 providing that a budget amendment may not transfer any part of certain
46 appropriations to certain purposes; changing the names of certain special
47 accounts within the State Reserve Fund; altering certain notice and approval
48 procedures for certain transfers from a certain special account within the State

1 Reserve Fund; altering the amount of certain appropriations required to a
2 certain special account within the State Reserve Fund under certain
3 circumstances; altering the minimum appropriation the Governor is required to
4 include in the annual budget bill for the Maryland State Arts Council; altering
5 the distribution from a certain fund for certain years; *providing that the State*
6 *may not enter into certain agreements except under certain circumstances;*
7 *providing that State general or special funds may not be expended for certain*
8 *purposes; altering the distribution of certain revenues for certain years;*
9 requiring the Motor Vehicle Administration to set the levels of certain fees so
10 that certain projected revenues fall in certain ranges; repealing certain
11 provisions of law prohibiting the reversion of certain unspent funds to a certain
12 account; altering the amount of certain required appropriations for a certain
13 year; restricting the expenditure of certain funds in a certain year; altering the
14 termination date for certain provisions relating to the State Employees Leave
15 Bank and certain employees who have been ordered into active military service;
16 *repealing a requirement that a certain commission submit a final report by a*
17 *certain date; providing for the termination of a certain commission; delaying*
18 certain requirements that the counties and Baltimore City use certain savings
19 for certain purposes and submit certain reports; repealing certain prohibitions
20 on the Department of Health and Mental Hygiene increasing certain copayments
21 from enrollees; altering a certain formula for State Aid for Police Protection
22 Grants beginning with a certain fiscal year; altering certain distributions from
23 the State Aid for Police Protection Fund for a certain fiscal year; defining certain
24 terms; ~~altering the calculation of~~ *eliminating* the amount that each county board
25 receives for fiscal year 2004 under certain components of the Governor's
26 Teacher's Salary Challenge Grant Program; providing that for a certain fiscal
27 year certain funds shall be excluded for purposes of calculating a certain
28 maintenance of local education funding effort requirement; repealing certain
29 provisions of law establishing and relating to the Maryland Higher Education
30 Supplemental Loan Authority; requiring the reversion of certain funds in a
31 certain year; ~~altering the contribution to a certain fund for a certain year;~~
32 reducing and transferring to the General Fund certain unexpended
33 appropriations; eliminating certain employee payments in a certain year;
34 restricting increases in certain rates in certain years to certain providers;
35 ~~permitting~~ *allowing certain providers to submit requests for* certain exceptions
36 in certain circumstances; requiring the Governor to transfer to the General
37 Fund certain amounts from certain special funds for certain fiscal years;
38 ~~authorizing the Governor to transfer to the General Fund certain amounts from~~
39 ~~a special fund under certain circumstances;~~ providing that certain funds may be
40 transferred for a certain fiscal year by approved budget amendment to be used
41 for certain purposes; requiring the Governor for a certain fiscal year under
42 certain circumstances to include in the State budget an appropriation from a
43 certain fund of at least a certain amount for certain purposes; requiring that for
44 certain fiscal years, certain amounts from a certain fund shall be transferred to
45 a certain fund; *requiring that certain revenues be deposited in the General Fund*
46 *rather than certain special funds; requiring the Governor to submit a plan for*
47 *replacement of certain funds transferred under this Act;* altering certain
48 payments to certain counties for a certain fiscal year; ~~repealing certain~~

1 provisions of law establishing and relating to the Maryland Competitive
2 Advantage Financing Fund; providing that the Director of the Maryland
3 Historical Trust during certain periods may not approve plans of proposed
4 rehabilitation reflecting proposed rehabilitation expenditures for commercial
5 projects in the aggregate exceeding certain amounts; requiring that before certain
6 licenses or permits issued by the State are renewed, the issuing authority shall
7 verify through the Office of the Comptroller that certain taxes and unemployment
8 contributions have been paid or that payment has been provided for in a certain
9 manner; altering certain fees assessed for the filing of certain documents and
10 certain annual reports; imposing certain fees for the filing of certain documents
11 and certain annual reports; repealing certain fees imposed for the indexing of
12 names; altering the calculation of the amounts and percentages required to be
13 withheld under income tax withholding tables and withholding schedules
14 prepared by the Comptroller; requiring certain fiduciary institutions to disclose
15 certain information requested by the Comptroller relative to certain accounts in
16 the name of an individual whose property is subject to a tax lien; providing that
17 certain provisions of law do not prohibit a fiduciary institution from disclosing
18 certain financial records that the Comptroller determines are necessary to enforce
19 the tax laws of the State; altering the time for filing of certain income tax
20 withholding returns under certain circumstances; altering a certain definition to
21 include winnings derived from pari-mutuel wagering in certain provisions of
22 law concerning income subject to withholding for income tax purposes; requiring
23 an employer to base withholding for an employee on not more than the actual
24 number of exemptions allowed on the employee's prior year's return under certain
25 circumstances; requiring that certain instruments of writing include a
26 description of the total payment for the property in the recitals or the
27 acknowledgment of the instrument or in a certain affidavit; prohibiting certain
28 instruments of writing from being recorded unless a certain part of the total
29 payment is paid to the clerk of the circuit court or the Department of Assessments
30 and Taxation; requiring the clerks and the Department of Assessments and
31 Taxation to collect the amounts and pay over those amounts to the Comptroller;
32 providing that amounts collected and paid over are deemed paid to the
33 Comptroller on behalf of the transferor; providing that certain persons are not
34 liable for certain amounts collected and paid over to the Comptroller under this
35 Act; altering certain due dates for the filing of a sales and use tax return; altering
36 certain limitations on certain authority of the Comptroller and the Department of
37 Assessments and Taxation to require unpaid tax liability to be paid in funds that
38 are immediately available; providing that certain tax information may be
39 disclosed to certain license issuing authorities of the State required by law to
40 verify certain tax compliance before renewing a license or permit; altering the
41 circumstances under which a tax collector is required to assess certain interest
42 and penalty for failure to pay certain estimated taxes; providing for withholding
43 of a certain part of the contract price under certain contracts with certain
44 contractors that do not maintain a regular place of business in the State, pending
45 certain tax compliance verification; authorizing the Comptroller to request
46 certain information and assistance from financial institutions to enable the
47 Comptroller to enforce the tax laws of the State; requiring a financial institution
48 that receives a request from the Comptroller to submit a certain report to the

1 Comptroller regarding certain persons whose property is subject to a tax lien;
 2 prohibiting certain disclosure to certain persons of certain information and
 3 related to certain requests by the Comptroller to a financial institution; requiring
 4 the Comptroller to give certain notice of a tax lien to certain financial
 5 institutions; requiring a financial institution under certain circumstances to
 6 seize and attach certain accounts of certain persons whose property is subject to a
 7 tax lien; authorizing a financial institution to assess a certain fee against certain
 8 accounts or obligors under certain circumstances; providing that a financial
 9 institution may not be held liable for certain actions under certain circumstances;
 10 authorizing the Comptroller to send a certain notice to certain obligors under
 11 certain circumstances; authorizing certain persons to challenge certain actions of
 12 the Comptroller in a certain manner under certain circumstances; requiring a
 13 financial institution under certain circumstances to pay to the Comptroller
 14 within a certain period of receiving a certain notice certain amounts in the
 15 accounts of certain persons whose property is subject to a tax lien; providing that
 16 a tax lien for certain taxes extends to and covers certain salary, wages, or other
 17 compensation for personal services; requiring the Comptroller to adopt certain
 18 regulations; making the provisions of this Act severable; providing for the
 19 effective dates and applicability of this Act; and generally relating to the
 20 financing of State and local governments for certain fiscal years.

21 BY repealing and reenacting, with amendments,
 22 Article 2B - Alcoholic Beverages
 23 Section 2-101(b)(6)
 24 Annotated Code of Maryland
 25 (2001 Replacement Volume and 2002 Supplement)

26 BY repealing and reenacting, with amendments,
 27 Article 83A - Department of Business and Economic Development
 28 Section 5-212(d)
 29 Annotated Code of Maryland
 30 (1998 Replacement Volume and 2002 Supplement)

31 BY repealing and reenacting, with amendments,
 32 Article - Business Regulation
 33 Section 11-1203(i)(1)(ii) and 11-1206(e) Section 3-201, 11-402, 11-803,
 34 11-1203(i)(1)(ii), and 11-1206(e)
 35 Section 3-201
 36 Annotated Code of Maryland
 37 (1998 Replacement Volume and 2002 Supplement)

38 BY repealing
 39 Article - Business Regulation
 40 Section 11-1206(d)(2)
 41 Annotated Code of Maryland

- 1 (1998 Replacement Volume and 2002 Supplement)
- 2 BY repealing and reenacting, with amendments,
3 Article - Courts and Judicial Proceedings
4 Section 1-504, 2-512, and 13-604(a)
5 Annotated Code of Maryland
6 (2002 Replacement Volume)
- 7 BY repealing and reenacting, with amendments,
8 Article - Correctional Services
9 Section 8-304, 9-402, and 11-105(a) and (b)
10 Annotated Code of Maryland
11 (1999 Volume and 2002 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section ~~16-317(e) and 17-302~~
15 Section 8-310.3(b), 8-317(b), 16-305(c)(1), 16-317(b)(1) and (c), 16-512(a),
16 17-103(b)(3), 17-104, and 17-302
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2002 Supplement)
- 19 BY repealing and reenacting, with amendments,
20 Article - Health - General
21 Section 4-217(c), 7-307(d), 13-1003(b)(4) and (e)(4), 13-1004, 13-1007(b),
22 13-1012(a)(2), 13-1103(b)(4) and (f)(3), 13-1104, 13-1108(b),
23 13-1303(d)(2), 15-103.3(c)(1), 15-301(c), 15-301.1, 15-303(a)(1), and
24 18-108(c)
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2002 Supplement)
- 27 BY adding to
28 Article - Health - General
29 Section 13-1007(c) and (d), 13-1015, and 13-1108(d) and (e)
30 Annotated Code of Maryland
31 (2000 Replacement Volume and 2002 Supplement)
- 32 BY repealing and reenacting, with amendments,
33 Article - Labor and Employment
34 Section 5.5-106
35 Annotated Code of Maryland
36 (1999 Replacement Volume and 2002 Supplement)
- 37 BY repealing and reenacting, with amendments,

1 Article - Natural Resources
 2 Section 8-709(d)
 3 Annotated Code of Maryland
 4 (2000 Replacement Volume and 2002 Supplement)

5 BY repealing and reenacting, with amendments,

6 Article - State Finance and Procurement
 7 Section 7-210, 7-309 through 7-311, ~~7-314(a)(1) through (3)~~ 7-314(a)(2) and
 8 (3), (b) through (f), (g)(1)(ii), (h), and (k) through (n), 7-324, 7-325, and
 9 7-327(a) through (e) and (g) through (i)
 10 Annotated Code of Maryland
 11 (2001 Replacement Volume and 2002 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article - Tax - Property
 14 Section 13-209(c)
 15 Annotated Code of Maryland
 16 (2001 Replacement Volume and 2002 Supplement)

17 BY adding to

18 Article - Transportation
 19 Section 7-402
 20 Annotated Code of Maryland
 21 (2001 Replacement Volume and 2002 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article - Transportation
 24 Section ~~17-106(e)(2)(iv)~~ 12-120(d) and (e)
 25 Annotated Code of Maryland
 26 (2002 Replacement Volume)

27 ~~BY adding to~~

28 ~~Article - Transportation~~
 29 ~~Section 17-106(e)(2)(v)~~
 30 ~~Annotated Code of Maryland~~
 31 ~~(2002 Replacement Volume)~~

32 BY repealing

33 Chapter 637 of the Acts of the General Assembly of 1998
 34 Section 7 and 8

35 BY repealing and reenacting, with amendments,

36 Chapter 121 of the Acts of the General Assembly of 1999
 37 Section 4

- 1 BY repealing
2 Chapter 309 of the Acts of the General Assembly of 2000
3 Section 3
- 4 BY repealing and reenacting, with amendments,
5 Chapter 309 of the Acts of the General Assembly of 2000
6 Section 5
- 7 BY repealing and reenacting, with amendments,
8 Chapter 285 of the Acts of the General Assembly of 2002
9 Section 4
- 10 BY repealing and reenacting, with amendments,
11 Chapter 343 of the Acts of the General Assembly of 2002
12 Section 1(f)
- 13 BY repealing and reenacting, with amendments,
14 Chapter 440 of the Acts of the General Assembly of 2002
15 Section 25
- 16 BY repealing and reenacting, with amendments,
17 Chapter 453 of the Acts of the General Assembly of 2002
18 Section 3 and 5
- 19 BY repealing and reenacting, with amendments,
20 Chapter 464 of the Acts of the General Assembly of 2002
21 Section 3(b) and (f)
- 22 BY repealing and reenacting, with amendments,
23 Article 41 - Governor - Executive and Administrative Departments
24 Section 4-403(b)
25 Annotated Code of Maryland
26 (1997 Replacement Volume and 2002 Supplement)
27 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2003)
- 28 BY adding to
29 Article 41 - Governor - Executive and Administrative Departments
30 Section 4-403(d)
31 Annotated Code of Maryland
32 (1997 Replacement Volume and 2002 Supplement)
33 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2003)
- 34 BY repealing and reenacting, with amendments,
35 Article - Education

1 Section 5-216(d)(2)(iv) and (3)(iii)
2 Annotated Code of Maryland
3 (2001 Replacement Volume and 2002 Supplement)
4 (As enacted by Chapter 288 of the Acts of the General Assembly of 2002)

5 BY repealing

6 Article - Education
7 Section 18-1301 through 18-1319 and the subtitle "Subtitle 13. Maryland
8 Higher Education Supplemental Loan Authority"
9 Annotated Code of Maryland
10 (2001 Replacement Volume and 2002 Supplement)

11 BY repealing

12 Article 83A - Department of Business and Economic Development
13 Section 5-1301 through 5-1305 and the subtitle "Subtitle 13. Maryland
14 Competitive Advantage Financing Fund"
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2002 Supplement)

17 BY adding to

18 Article 83B - Department of Housing and Community Development
19 Section 5-801(i)
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2002 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article - Business Occupations and Professions
24 Section 1-204
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2002 Supplement)

27 BY adding to

28 Article - Business Regulation
29 Section 1-210
30 Annotated Code of Maryland
31 (1998 Replacement Volume and 2002 Supplement)

32 BY repealing and reenacting, with amendments,

33 Article - Commercial Law
34 Section 9-525
35 Annotated Code of Maryland
36 (2002 Replacement Volume and 2002 Supplement)

37 BY repealing and reenacting, with amendments,

1 Article - Corporations and Associations
2 Section 1-203, 1-406(e), and 8-403
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2002 Supplement)

5 BY adding to
6 Article - Environment
7 Section 1-203
8 Annotated Code of Maryland
9 (1996 Replacement Volume and 2002 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Financial Institutions
12 Section 1-302 and 1-303
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2002 Supplement)

15 BY adding to
16 Article - Health Occupations
17 Section 1-213
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2002 Supplement)

20 BY adding to
21 Article - Natural Resources
22 Section 1-402
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2002 Supplement)

25 BY adding to
26 Article - Tax - General
27 Section 1-205, 2-106(f), 10-912, 13-803, 13-804, and 13-812
28 Annotated Code of Maryland
29 (1997 Replacement Volume and 2002 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article - Tax - General
32 Section 2-106(c)(3) and (d)(3), 10-822, 10-905(e), 10-910(b), 11-501(a),
33 11-502(a), 13-104(a), 13-203(c), 13-602(a), 13-702(a), and 13-811
34 Annotated Code of Maryland
35 (1997 Replacement Volume and 2002 Supplement)

36 BY adding to

1 Article - Transportation
2 Section 1-103
3 Annotated Code of Maryland
4 (2001 Replacement Volume and 2002 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article 2B - Alcoholic Beverages**

8 2-101.

9 (b) (6) (i) The Office of the Comptroller shall prescribe a means of
10 identification for each vehicle authorized under an individual transportation permit
11 or a transportation or public storage and transportation permit. The identification
12 shall be kept in or on the vehicle at all times when alcoholic beverages are being
13 transported.

14 (ii) The fee for the identification is [\$2] ~~\$20~~ \$10 for each vehicle.

15 **Article 83A - Department of Business and Economic Development**

16 5-212.

17 (d) As soon as practical after the closing of the fiscal year, an audit shall be
18 made of the financial books, records, and accounts of the Corporation. The audit shall
19 be made by independent certified public accountants, selected by the Corporation and
20 licensed to practice in the State. The accountants may not have a personal interest
21 either directly or indirectly in the fiscal affairs of the Corporation. They shall be
22 experienced and qualified in the accounting and auditing of public bodies. [The] ON
23 OR BEFORE ~~JANUARY~~ NOVEMBER 1 FOLLOWING THE END OF EACH FISCAL YEAR,
24 THE accountants shall report the results of their examination, including their
25 unqualified opinion on the presentation of the financial position of the various funds
26 and the results of the Corporation's financial operations. If they are unable to express
27 an unqualified opinion they shall state and explain in detail the reasons for their
28 qualifications, disclaimer, or opinion including recommendations necessary to make
29 possible future unqualified opinions.

30 **Article - Business Regulation**

31 3-201.

32 (a) The Commissioner shall administer and enforce this title.

33 (b) (1) The proposed budget of the Division of Labor and Industry shall
34 include an appropriation from the [General Fund of the State] WORKERS'
35 COMPENSATION COMMISSION to cover the cost of administering and enforcing this
36 title.

1 (2) The Workers' Compensation Commission shall [reimburse the
2 General Fund of the State for this] PAY THE cost OF ADMINISTERING AND
3 ENFORCING THIS TITLE from money that the Commission receives under § 9-316 of
4 the Labor and Employment Article.

5 11-402.

6 The Special Fund consists of:

7 (1) the State share of daily licensee fees;

8 (2) pari-mutuel taxes;

9 (3) the impact aid under § 11-812 of this title;

10 (4) MONEY FROM UNCASHED PARI-MUTUEL TICKETS THAT ARE FROM
11 BETS MADE INTO THE BETTING POOLS OF LICENSEES; and

12 ~~(4)~~ (5) any permit fees under §§ 11-820 and 11-832 of this title.

13 11-803.

14 (a) ~~If a winning ticket is not redeemed within 1 year, the licensee into whose
15 betting pool the bet was placed shall pay the amount needed to redeem the ticket to
16 the Commission, to be credited to the [Racing Facility Redevelopment Bond]
17 SPECIAL Fund under Subtitle [12] 4 of this title.~~

18 (b) ~~Every year for the preceding calendar year, each licensee shall:~~

19 (1) ~~report to the Commission the amount payable to the Commission
20 under this section; and~~

21 (2) ~~pay that amount to the Commission.~~

22 (c) (1) The license of a licensee shall be revoked if the licensee:

23 (i) fails to report when money under this section is due; or

24 (ii) knowingly or willfully submits a report that understates the
25 amount due.

26 (2) ~~A licensee whose license is revoked under this subsection may not
27 hold a license for at least 1 year.~~

28 11-1203.

29 (i) (1) If the Corporation and the Commission find, at any time, that the
30 licensee is not in compliance with the master plan approved by the Commission under
31 this section or the expenditures required under § 11-1204 of this subtitle, the
32 Commission may direct the Corporation:

1 (ii) to reduce, in an amount proportionate to the licensee's degree of
 2 noncompliance with the licensee's financial obligations, the amount of assistance
 3 available to the licensee that is attributable to the licensee's takeout allocation under
 4 § 11-515 of this title [and the licensee's share of uncashed pari-mutuel tickets
 5 credited to the Fund under § 11-803 of this title].

6 ~~11-1206.~~

7 (e) All of the following receipts of the Commission shall be placed in the Fund:

8 (1) the takeout allocation under §§ 11-515 and 11-515.3 of this title from
 9 mile thoroughbred licensees;

10 (2) the takeout allocation under § 11-616 of this title from harness
 11 licensees; AND

12 [(3) effective July 1, 2001 and subject to the provisions of subsection (d) of
 13 this section, money from uncashed pari-mutuel tickets paid by licensees to the
 14 Commission under § 11-803 of this title; and]

15 [(4)] (3) any other revenue, gift, donation, or other source under a
 16 written agreement between the eligible licensees and the Corporation.

17 (d) [(2) Beginning July 1, 2002 and annually thereafter, to the extent deemed
 18 appropriate by the Corporation, the receipts of the Fund related to uncashed
 19 pari-mutuel tickets under subsection (e)(3) of this section that are not needed to pay
 20 the costs under paragraph (1) of this subsection shall be paid to the Commission to be
 21 credited to the Racing Special Fund established under § 11-401 of this title.]

22 Article - Courts and Judicial Proceedings

23 1-504.

24 (a) There shall be included in each State budget an appropriation to the
 25 Department of General Services in the total amount necessary to pay rent directly to
 26 counties for space occupied in county facilities by clerks of the circuit courts, as
 27 provided in this section.

28 (b) To the extent provided in the State budget the rent shall be calculated per
 29 net usable square foot, with no additional reimbursement of maintenance and utility
 30 cost:

31 (1) For fiscal year [2004] 2007, at a rate not to exceed \$2.50;

32 (2) For fiscal year [2005] 2008, at a rate not to exceed \$5.00; and

33 (3) For fiscal year [2006] 2009 and each fiscal year thereafter, at a rate
 34 of \$10.

1 (c) Unless the Administrative Office of the Courts and a county agree
 2 otherwise, the county may not decrease the net usable square footage allocated to the
 3 clerk of the circuit court for the county below the net usable square footage allotted for
 4 fiscal year 2002.

5 2-512.

6 (a) Each circuit court judge shall have one law clerk, to be employed by the
 7 State.

8 (b) The budget for the Administrative Office of the Courts shall include funds
 9 to employ one law clerk for each circuit court judge.

10 (C) (1) EACH COUNTY AND BALTIMORE CITY SHALL REIMBURSE THE
 11 ADMINISTRATIVE OFFICE OF THE COURTS FOR 25% OF THE SALARY AND OTHER
 12 EXPENSES TO EMPLOY ONE LAW CLERK FOR EACH CIRCUIT COURT JUDGE IN THE
 13 COUNTY OR BALTIMORE CITY.

14 (2) THE AMOUNTS RECEIVED UNDER THIS SUBSECTION SHALL BE
 15 CREDITED TO A SPECIAL FUND, TO BE USED ONLY TO PROVIDE FUNDS TO EMPLOY
 16 LAW CLERKS FOR EACH CIRCUIT COURT JUDGE AS PROVIDED IN THIS SECTION.

17 13-604.

18 (a) The Administrator [may] SHALL establish a surcharge [not to exceed \$5]
 19 OF \$20 for each type of recordable instrument to be recorded among the land records
 20 and the financing statement records.

21 **Article - Correctional Services**

22 8-304.

23 (a) Expenditures under this section shall be made in accordance with an
 24 appropriation approved by the General Assembly in the State budget.

25 (b) [(1)] The Department shall include in its annual operating [and capital
 26 budget requests] BUDGET REQUEST an itemized list of requests for the use of money
 27 from the Fund.

28 [(2)] The list shall include a brief description of each project, an estimate
 29 of its cost, and the benefits to be derived.]

30 (c) [(1)] Disbursements from the Fund shall supplement and may not
 31 substitute for any amounts designated in the State budget for assistance to State and
 32 local jurisdictions for law enforcement and correctional training purposes.

33 [(2)] Money from the Fund may ONLY be used to fund the operating
 34 budget of the Police Training Commission or the Correctional Training Commission

1 9-402.

2 (A) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE State shall
3 reimburse each county according to the following formula so that each county receives
4 the greater of:

5 (1) for sentenced inmates who are sentenced on or after January 1, 1987,
6 the State shall reimburse a county for each day from the 91st day through the 365th
7 day that sentenced inmates are confined in a local correctional facility at a rate of
8 reimbursement of 50% of the rate set forth in § 9-403 of this subtitle; or

9 (2) for each fiscal year, the Secretary shall determine for each county the
10 difference between the actual number of inmate days for the previous fiscal year and
11 the average number of inmate days and multiply this number of inmate days, if
12 positive, by 85% of the rate of reimbursement set forth in § 9-403 of this subtitle.

13 (B) (1) EACH COUNTY SHALL SUBMIT TO THE DEPARTMENT:

14 (I) ON OR BEFORE DECEMBER 1 OF THE FISCAL YEAR, CLOSEOUT
15 DATA FOR THE PREVIOUS FISCAL YEAR;

16 (II) ON OR BEFORE OCTOBER 1 OF THE FISCAL YEAR, INMATE DAYS
17 REPORTS FOR THE PREVIOUS FISCAL YEAR.

18 (2) IF A COUNTY FAILS TO SUBMIT THE INFORMATION REQUIRED
19 UNDER PARAGRAPH (1) OF THIS SUBSECTION WHEN DUE, THE DEPARTMENT SHALL
20 DEDUCT AN AMOUNT EQUAL TO 20% OF THE TOTAL REIMBURSEMENT OTHERWISE
21 DUE THE COUNTY UNDER THE SECTION FOR EACH 30 DAYS OR PART OF 30 DAYS
22 AFTER THE DUE DATE THAT THE INFORMATION HAS NOT BEEN SUBMITTED.

23 11-105.

24 (a) If the Secretary determines that the anticipated confinement of inmates in
25 a county's local correctional facility as a result of [§ 9-104(b) of this article] THE
26 SENTENCING STIPULATION EFFECTIVE ON JANUARY 1, 1987, would exceed the
27 capacity of the local correctional facility, [the county may apply to the Secretary for
28 financial assistance for the construction of a new local correctional facility or
29 enlargement of an existing local correctional facility] THE STATE SHALL PAY 100% OF
30 THE COSTS LISTED UNDER SUBSECTION (C) OF THIS SECTION OF A NEW OR
31 ENLARGED EXISTING LOCAL CORRECTIONAL FACILITY.

32 (b) For the purpose of anticipating inmate confinement under subsection (a) of
33 this section, the Secretary annually shall review and study each county's local
34 correctional facility population in conjunction with data relevant to patterns of:

35 (1) sentencing; [and]

36 (2) geographic distribution of inmates; AND

1 16-305.

2 (c) (1) (I) The total State operating fund per full-time equivalent student
3 to the community colleges for each fiscal year as requested by the Governor shall be:

4 [(i)] 1. In each of fiscal years 2003 and 2004, not less than an
5 amount equal to 23.1% of the State's General Fund appropriation per full-time
6 equivalent student to the 4-year public institutions of higher education in the State
7 as designated by the Commission for the purpose of administering the Joseph A.
8 Sellinger Program under Title 17 of this article in the previous fiscal year;

9 [(ii)] 2. In fiscal year 2005, not less than an amount equal to 24%
10 of the State's General Fund appropriation per full-time equivalent student to the
11 4-year public institutions of higher education in the State as designated by the
12 Commission for the purpose of administering the Joseph A. Sellinger Program under
13 Title 17 of this article in the previous fiscal year; and

14 [(iii)] 3. In fiscal year 2006 and each fiscal year thereafter, not less
15 than an amount equal to 25% of the State's General Fund appropriation per full-time
16 equivalent student to the 4-year public institutions of higher education in the State,
17 as designated by the Commission for the purpose of administering the Joseph A.
18 Sellinger Program under Title 17 of this article in the previous fiscal year.

19 (II) FOR PURPOSES OF THIS SUBSECTION, THE STATE'S GENERAL
20 FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR
21 PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE FOR THE PREVIOUS
22 FISCAL YEAR SHALL REFLECT ANY AMENDMENTS OR REDUCTIONS TO THE
23 APPROPRIATION FOR THE PREVIOUS FISCAL YEAR.

24 16-317.

25 (b) (1) Each eligible institution shall receive from the State, in the manner
26 and subject to the limitations of this section, with respect to the contributions made
27 by eligible donors as voluntary donations at any time during the first eligible period
28 to the eligible institution for eligible programs, an amount equal to the first
29 [\$200,000] \$150,000 or any portion thereof from contributions by eligible donors.

30 (c) Payments shall be made by the State:

31 (1) In the first eligible period, only with respect to contributions which
32 are paid by the eligible donors to the eligible institution before July 1, 2004;

33 (2) In the second eligible period, only with respect to contributions which
34 are paid by the eligible donors to the eligible institution before July 1, 2006; and

35 (3) In the [second] THIRD fiscal year following the fiscal year during
36 which the contributions are made.

1 16-512.

2 (a) (1) The total State operating fund per full-time equivalent student
 3 appropriated to Baltimore City Community College for each fiscal year as requested
 4 by the Governor shall be:

5 [(1)] (I) In each of fiscal years 2003 and 2004, not less than an amount
 6 equal to 60.9% of the State's General Fund appropriation per full-time equivalent
 7 student to the 4-year public institutions of higher education in the State as
 8 designated by the Commission for the purpose of administering the Joseph A.
 9 Sellinger Program under Title 17 of this article in the previous fiscal year;

10 [(2)] (II) In fiscal year 2005, not less than an amount equal to 63.4% of
 11 the State's General Fund appropriation per full-time equivalent student to the
 12 4-year public institutions of higher education in the State as designated by the
 13 Commission for the purpose of administering the Joseph A. Sellinger Program under
 14 Title 17 of this article in the previous fiscal year; and

15 [(3)] (III) In fiscal year 2006 and each fiscal year thereafter, not less than
 16 an amount equal to 66% of the State's General Fund appropriation per full-time
 17 equivalent student to the 4-year public institutions of higher education in the State
 18 as designated by the Commission for the purpose of administering the Joseph A.
 19 Sellinger Program under Title 17 of this article in the previous fiscal year.

20 (2) FOR PURPOSES OF THIS SUBSECTION, THE STATE'S GENERAL FUND
 21 APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC
 22 INSTITUTIONS OF HIGHER EDUCATION IN THE STATE FOR THE PREVIOUS FISCAL
 23 YEAR SHALL REFLECT ANY AMENDMENTS OR REDUCTIONS TO THE APPROPRIATION
 24 FOR THE PREVIOUS FISCAL YEAR.

25 17-103.

26 (b) To qualify for State aid under this subtitle, an institution of higher
 27 education shall:

28 (3) Be:

29 (i) Accredited] ACCREDITED by the Commission on Higher
 30 Education of the Middle States Association of Colleges and Schools; [or

31 (ii) 1. A candidate for accreditation under subparagraph (i) of
 32 this paragraph;

33 2. Subject to an affirmative action plan approved by the
 34 Maryland Higher Education Commission; and

35 3. Authorized by the Maryland Higher Education
 36 Commission for participation in the program established under this subtitle;]

1 17-104.

2 (a) The Maryland Higher Education Commission shall compute the amount of
3 the annual apportionment for each institution that qualifies under this subtitle by
4 multiplying:

5 (1) The number of full-time equivalent students enrolled at the
6 institution during the fall semester of the fiscal year preceding the fiscal year for
7 which the aid apportionment is made, as determined by the Maryland Higher
8 Education Commission times;

9 (2) (i) In each of fiscal years 2003 and 2004, an amount not less than
10 14.3% of the State's General Fund per full-time equivalent student appropriation to
11 the 4-year public institutions of higher education in this State for the preceding fiscal
12 year;

13 (ii) In fiscal year 2005, an amount not less than 15.2% of the State's
14 General Fund per full-time equivalent student appropriation to the 4-year public
15 institutions of higher education in this State for the preceding fiscal year; and

16 (iii) In fiscal year 2006 and each fiscal year thereafter, an amount
17 not less than 16% of the State's General Fund per full-time equivalent student
18 appropriation to the 4-year public institutions of higher education in this State for
19 the preceding fiscal year.

20 (b) Full-time equivalent students enrolled in seminarian or theological
21 programs shall be excluded from the computation required by subsection (a) of this
22 section.

23 (c) Payments of State general funds under Subtitle 3 of this title shall be
24 excluded from the computation required by subsection (a) of this section.

25 (D) FOR PURPOSES OF THIS SECTION, THE STATE'S GENERAL FUND
26 APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC
27 INSTITUTIONS OF HIGHER EDUCATION IN THE STATE FOR THE PREVIOUS FISCAL
28 YEAR SHALL REFLECT ANY AMENDMENTS OR REDUCTIONS TO THE APPROPRIATION
29 FOR THE PREVIOUS FISCAL YEAR.

30 17-302.

31 (a) Except as provided in subsections (b) and (f) of this section, each eligible
32 institution shall receive from the State, in the manner and subject to the limitations
33 of this subtitle, with respect to the amounts pledged by eligible private donors as
34 voluntary donations at any time during the previous fiscal year to the eligible
35 institution for eligible programs as follows:

36 (1) An amount equal to the first \$250,000 or any portion thereof of
37 pledged amounts;

1 (2) An amount equal to one-half of the next \$1,000,000 or any portion
2 thereof of pledged amounts; and

3 (3) An amount equal to one-third of the amount in excess of \$1,250,000
4 or any portion thereof of pledged amounts.

5 (b) Bowie State University, Coppin State College, Morgan State University,
6 and University of Maryland Eastern Shore shall receive from the State, in the
7 manner and subject to the limitations of this subtitle, with respect to the amounts
8 pledged by eligible private donors as voluntary donations at any time during the
9 previous fiscal year to the eligible institution for eligible programs as follows:

10 (1) For amounts pledged on or after July 1, 2001, an amount equal to \$2
11 for every \$1 of the first \$250,000 or any portion thereof of pledged amounts; and

12 (2) For amounts pledged on or after July 1, 2001, an amount equal to the
13 next \$1,000,000 or any portion thereof of pledged amounts.

14 (c) Payments shall be made by the State~~[-~~:

15 (1) Only~~-ONLY~~ with respect to pledged amounts that are paid by the
16 eligible private donor to:

17 ~~{(i)}~~ ~~(1)~~ Bowie State University, Coppin State College, Morgan
18 State University, and University of Maryland Eastern Shore before January 1, 2006;
19 and

20 ~~{(ii)}~~ ~~(2)~~ All other eligible institutions ~~{before July 1, 2004}~~ ~~IN~~
21 ~~EQUAL INSTALLMENTS IN FISCAL YEARS 2005, 2006, 2007, AND 2008~~; and

22 (2) ~~It~~

23 (I) TO BOWIE STATE UNIVERSITY, COPPIN STATE COLLEGE,
24 MORGAN STATE UNIVERSITY, AND THE UNIVERSITY OF MARYLAND EASTERN SHORE,
25 IN the fiscal year following the fiscal year during which the amounts are paid} BY
26 ELIGIBLE PRIVATE DONORS; AND

27 (II) TO ALL OTHER ELIGIBLE INSTITUTIONS, IN EQUAL
28 INSTALLMENTS IN FISCAL YEARS 2005, 2006, 2007, AND 2008.

29 (d) Payments by the State under this subtitle may not exceed:

30 (1) \$250,000 to each community college campus;

31 (2) \$1,250,000 each to the University of Maryland, College Park, the
32 University of Maryland, Baltimore, and the University of Maryland Baltimore
33 County;

34 (3) \$1,500,000 each to Bowie State University, Coppin State College,
35 Morgan State University, and University of Maryland Eastern Shore; and

1 (4) \$750,000 to each other eligible institution.

2 (e) (1) To determine eligibility for State payments, each donation shall be
3 compared to the amount donated during the base year. The following criteria shall be
4 the basis for comparison:

5 (i) Each donation must be from a new donor; or

6 (ii) Each donation must represent an increase over the amount
7 given by the donor during the base year.

8 (2) A donation received during the base year that fulfills a pledge made
9 prior to the base year may not be included in the determination of the amount
10 donated during the base year.

11 (3) Each donation must be specifically designated as an endowment.

12 (f) An institution may not receive funds for a donation that qualifies for a
13 contribution by the State under § 16-317 of this article.

14 **Article - Health - General**

15 4-217.

16 (c) (1) Except as otherwise provided by law, the Department shall collect a
17 [\$6] \$12 fee [for]:

18 (I) FOR each certified or abridged copy of a birth, death, fetal
19 death, [or] marriage, ADOPTION, FOREIGN ADOPTION, LEGITIMATION,
20 ADJUDICATION OF PATERNITY, AFFIDAVIT OF PARENTAGE, OR DIVORCE
21 VERIFICATION certificate [or for];

22 (II) FOR a report that a search of the files was made and the
23 requested record is not on file; ~~OR~~

24 (III) FOR EACH CHANGE TO A CERTIFICATE MADE LATER THAN ONE
25 YEAR AFTER THE ORIGINAL REQUEST FOR THE CERTIFICATE HAS BEEN
26 REGISTERED WITH THE DEPARTMENT; OR

27 (IV) TO PROCESS AN ADOPTION, FOREIGN ADOPTION,
28 LEGITIMATION, OR ADJUDICATION OF PATERNITY.

29 (2) From the fee the Department collects under paragraph (1) of this
30 subsection, the Department shall transfer the entire fee to the General Fund.

31 (3) (i) Any local health department may set and collect a fee for
32 processing and issuing a birth certificate, or for a report that a search of the files was
33 made and the requested record is not on file, that covers:

34 1. The administrative costs of providing this service; and

1 (4) Conduct [an Annual] ~~A BIENNIAL~~ Tobacco Study, as provided under
 2 § 13-1004 of this title.

3 (e) (4) The Department may contract with an entity to conduct the Baseline
 4 Tobacco Study and one or more [annual] BIENNIAL tobacco studies as required under
 5 § 13-1004 of this subtitle.

6 13-1004.

7 (a) [Each year following the year in which the Baseline Tobacco Study is
 8 completed] BEGINNING IN FISCAL YEAR 2005 AND IN EVERY SECOND YEAR
 9 THEREAFTER, the Department shall conduct [an Annual] ~~A BIENNIAL~~ A Tobacco
 10 Study].

11 (b) The Annual Tobacco Study:

12 (1) Shall] WHICH SHALL measure the same factors that are set forth in
 13 § 13-1003(c) of this subtitle[;

14 (2) Subject to item (3) of this subsection, shall use a methodology or
 15 model that is consistent with the methodology or model that was used to conduct the
 16 Baseline Tobacco Study; and

17 (3) At least every other year, shall measure the factors listed in §
 18 13-1003(c) of this subtitle using] AND USE the same methodology or model that was
 19 used for the Baseline Tobacco Study.

20 (B) TO CARRY OUT THE EVALUATION AND SURVEILLANCE FUNCTIONS OF
 21 THIS SUBTITLE, THE DEPARTMENT MAY CONDUCT ANY OTHER TOBACCO STUDY
 22 MEASURING THE FACTORS SET FORTH IN § 13-1003(C) OF THIS SUBTITLE AND USING
 23 A METHODOLOGY OR MODEL THAT IS CONSISTENT WITH BUT NEED NOT BE
 24 IDENTICAL TO THAT USED TO CONDUCT THE BASELINE TOBACCO STUDY.

25 (c) (1) Subject to paragraphs (2) through (4) of this subsection, the
 26 Department shall contract with a higher education institution or private entity to
 27 conduct the [Annual] BIENNIAL Tobacco Study.

28 (2) The Department shall issue a request for proposal to select the entity
 29 that will conduct the [Annual] BIENNIAL Tobacco Study.

30 (3) The Department may contract with an entity to conduct one or more
 31 [annual] BIENNIAL tobacco studies.

32 (4) The Department shall use the criteria established in § 13-1003(e)(5)
 33 of this subtitle as a guide in administering the request for proposal process.

34 (d) On or before September 1 of [each year] EACH EVEN NUMBERED FISCAL
 35 YEAR, BEGINNING IN FISCAL YEAR 2006, the Department shall submit [an annual] A
 36 report to the Governor and, subject to § 2-1246 of the State Government Article, the
 37 General Assembly on the results of the [Annual] BIENNIAL Tobacco Study.

1 13-1007.

2 (b) Subject to SUBSECTIONS (C) THROUGH (E) OF THIS SECTION AND
3 §§ 13-1008 through 13-1012 of this subtitle, the Department shall distribute a Local
4 Public Health Tobacco Grant to each county that is equal to the sum of:

5 (1) A BASE AMOUNT OF FUNDING AS DETERMINED BY THE
6 DEPARTMENT FOR EACH COUNTY AND BALTIMORE CITY;

7 [(1)] (2) The product of:

8 (i) One-half of the amount [of money that is allocated]
9 REMAINING FROM THE ALLOCATION to the Local Public Health Component in the
10 State budget AFTER THE BASE AMOUNT UNDER ITEM (1) OF THIS SUBSECTION IS
11 DISTRIBUTED TO EACH COUNTY AND BALTIMORE CITY; and

12 (ii) The number of individuals in the county under the age of 18
13 years who smoke or otherwise use tobacco products divided by the number of
14 individuals in the State under the age of 18 years who smoke or otherwise use tobacco
15 products; and

16 [(2)] (3) The product of:

17 (i) One-half of the amount [of money that is allocated]
18 REMAINING FROM THE ALLOCATION to the Local Public Health Component in the
19 State budget AFTER THE BASE AMOUNT UNDER ITEM (1) OF THIS SUBSECTION IS
20 DISTRIBUTED TO EACH COUNTY AND BALTIMORE CITY; and

21 (ii) The number of individuals in the county who smoke or
22 otherwise use tobacco products divided by the number of individuals in the State who
23 smoke or otherwise use tobacco products.

24 (C) BEGINNING IN FISCAL YEAR 2005, THE CALCULATIONS OF THE NUMBERS
25 OF INDIVIDUALS SMOKING OR USING TOBACCO PRODUCTS REQUIRED IN
26 SUBSECTION (B)(2)(II) AND (3)(II) OF THIS SUBSECTION SHALL BE BASED ON THE
27 MOST RECENT DATA AVERAGED OVER A MULTIYEAR PERIOD AS DETERMINED BY
28 THE DEPARTMENT.

29 (D) THE ALLOCATION FORMULA CALCULATED IN ACCORDANCE WITH
30 SUBSECTION (B) OF THIS SECTION FOR FISCAL YEAR 2005 SHALL REMAIN IN EFFECT
31 FOR THE FOLLOWING 3 YEARS AND THEREAFTER SHALL BE RECALCULATED EVERY
32 4TH YEAR IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

33 13-1012.

34 (a) The Department shall review a Comprehensive Plan for Tobacco Use
35 Prevention and Cessation submitted under § 13-1008(d) of this subtitle and
36 determine whether:

1 (2) The Plan allocates resources in a manner that is consistent with the
2 needs of the different populations in the county, including targeted minority
3 populations, as identified in the Baseline Tobacco Study and [annual] BIENNIAL
4 tobacco studies;

5 13-1015.

6 FOR FISCAL YEAR 2005 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR
7 SHALL INCLUDE AT LEAST \$21,000,000 IN THE ANNUAL BUDGET IN APPROPRIATIONS
8 FOR ACTIVITIES AIMED AT REDUCING TOBACCO USE IN MARYLAND AS
9 RECOMMENDED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION,
10 INCLUDING:

11 (1) MEDIA CAMPAIGNS AIMED AT REDUCING SMOKING INITIATION AND
12 ENCOURAGING SMOKERS TO QUIT SMOKING;

13 (2) MEDIA CAMPAIGNS EDUCATING THE PUBLIC ABOUT THE DANGERS
14 OF SECONDHAND SMOKE EXPOSURE;

15 (3) ENFORCEMENT OF EXISTING LAWS BANNING THE SALE OR
16 DISTRIBUTION OF TOBACCO PRODUCTS TO MINORS;

17 (4) PROMOTION AND IMPLEMENTATION OF SMOKING CESSATION
18 PROGRAMS; AND

19 (5) IMPLEMENTATION OF SCHOOL-BASED TOBACCO EDUCATION
20 PROGRAMS.

21 13-1103.

22 (b) The purpose of the Surveillance and Evaluation Component is to:

23 (4) Conduct [an Annual] A BIENNIAL Cancer Study, as provided under
24 § 13-1104 of this subtitle.

25 (f) (3) The Department may contract with an entity to conduct the Baseline
26 Cancer Study and one or more [annual] BIENNIAL cancer studies as required under
27 § 13-1104 of this subtitle.

28 13-1104.

29 (a) [Each year following the year in which the Baseline Cancer Study is
30 completed] BEGINNING IN FISCAL YEAR 2004 AND BIENNIALY THEREAFTER, the
31 Department shall conduct [an Annual] A BIENNIAL Cancer Study.

32 (b) The [Annual] BIENNIAL Cancer Study shall:

33 (1) Measure the same factors that are set forth in § 13-1103(d) of this
34 subtitle; and

1 (2) Use the same methodology or model that is used to conduct the
2 Baseline Cancer Study.

3 (c) The Department may:

4 (1) Conduct the [Annual] BIENNIAL Cancer Study or any part of the
5 Study; or

6 (2) Contract with a higher education institution or private entity to
7 conduct the [Annual] BIENNIAL Cancer Study or any part of the Study.

8 (d) (1) If the Department chooses to have a higher education institution or
9 private entity conduct the [Annual] BIENNIAL Cancer Study or any part of the Study,
10 the Department shall issue a request for proposal to select the entity that will conduct
11 the Study or the relevant part of the Study.

12 (2) The Department may contract with an entity to conduct one or more
13 [annual] BIENNIAL cancer studies or a part of one or more [annual] BIENNIAL
14 cancer studies.

15 (e) On or before September 1 of [each year] EACH ODD NUMBERED FISCAL
16 YEAR, BEGINNING IN FISCAL YEAR 2005, the Department shall submit [an annual] A
17 report to the Governor and, subject to § 2-1246 of the State Government Article, the
18 General Assembly, on the results of the [Annual] BIENNIAL Cancer Study.

19 13-1108.

20 (b) Subject to [subsection (c)] SUBSECTIONS (C) THROUGH (E) of this section
21 and §§ 13-1109 through 13-1113 of this subtitle, the Department shall distribute a
22 Local Public Health Cancer Grant to each county that is equal to the sum of:

23 (1) A BASE AMOUNT OF FUNDING AS DETERMINED BY THE
24 DEPARTMENT FOR EACH COUNTY;

25 [~~(1)~~] (2) The product of:

26 (i) One-half of the amount [of money that is allocated]
27 REMAINING FROM THE ALLOCATION to the Local Public Health Component in the
28 State budget AFTER THE BASE AMOUNT UNDER ITEM (1) OF THIS SUBSECTION IS
29 DISTRIBUTED TO EACH COUNTY; and

30 (ii) The number of individuals in the county who have any of the
31 targeted cancers divided by the number of individuals in the State residing outside of
32 Baltimore City who have any of the targeted cancers; and

33 [~~(2)~~] (3) The product of:

34 (i) One-half of the amount [of money that is allocated]
35 REMAINING FROM THE ALLOCATION to the Local Public Health Component in the

1 State budget AFTER THE BASE AMOUNT UNDER ITEM (1) OF THIS SUBSECTION IS
 2 DISTRIBUTED TO EACH COUNTY; and

3 (ii) The number of individuals in the county who died from any of
 4 the targeted cancers during the prior year divided by the number of individuals in the
 5 State residing outside of Baltimore City who died from any of the targeted cancers
 6 during the prior year.

7 (D) BEGINNING IN FISCAL YEAR 2004, THE CALCULATIONS REQUIRED IN
 8 SUBSECTION (B)(2)(II) AND (3)(II) OF THIS SECTION OF THE NUMBERS OF INDIVIDUALS
 9 HAVING ANY OF THE TARGETED CANCERS OR WHO DIED FROM ANY OF THE
 10 TARGETED CANCERS SHALL BE BASED ON THE MOST RECENT DATA AVERAGED OVER
 11 A MULTIYEAR PERIOD AS DETERMINED BY THE DEPARTMENT.

12 (E) THE ALLOCATION FORMULA CALCULATED IN ACCORDANCE WITH
 13 SUBSECTION (B) OF THIS SECTION FOR FISCAL YEAR 2004 SHALL REMAIN IN EFFECT
 14 FOR THE FOLLOWING 3 YEARS AND THEREAFTER BE RECALCULATED EVERY 4TH
 15 YEAR IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

16 13-1303.

17 (d) (2) The Office of Legislative Audits shall audit the accounts and
 18 transactions of the Governor's Wellmobile Program [annually] in accordance with §§
 19 2-1220 through 2-1227 of the State Government Article.

20 15-103.3.

21 (c) (1) (I) [The] EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH,
 22 THE Fund shall be used exclusively for the provider reimbursement budget under the
 23 HealthChoice Program, including providing financial incentives designed to improve
 24 the quality of care to managed care organizations that exceed performance targets.

25 (II) FOR FISCAL YEARS 2004 THROUGH 2006, THE FUND SHALL BE
 26 USED EXCLUSIVELY TO PROVIDE GRANTS TO THE MARYLAND MEDBANK PROGRAM
 27 MEDBANK OF MARYLAND, INC.

28 (III) THE GRANT TO THE MARYLAND MEDBANK PROGRAM MEDBANK
 29 OF MARYLAND, INC. UNDER THIS SECTION MAY NOT EXCEED:

- 30 1. \$2,000,000 \$1,200,000 IN FISCAL 2004;
 31 2. \$1,000,000 IN FISCAL 2005; AND
 32 3. \$500,000 IN FISCAL 2006.

33 15-301.

34 (c) The Maryland Children's Health Program shall be administered:

35 (1) For EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION, FOR
 36 individuals whose family income is at or below 200 percent of the federal poverty

1 guidelines, through the program under Subtitle 1 of this title requiring individuals to
 2 enroll in managed care organizations; ~~or~~

3 (2) For eligible individuals whose family income is above 200 percent,
 4 but at or below 300 percent of the federal poverty guidelines, [through the MCHP
 5 private option plan] ~~THROUGH THE PROGRAM UNDER SUBTITLE 1 OF THIS TITLE~~
 6 ~~REQUIRING INDIVIDUALS TO ENROLL IN MANAGED CARE ORGANIZATIONS AND~~
 7 ~~UNDER THE REQUIREMENTS MCHP PREMIUM PLAN~~ under § 15-301.1 of this subtitle;
 8 OR

9 (3) IN FISCAL YEAR 2004 ONLY, FOR ELIGIBLE INDIVIDUALS WHOSE
 10 FAMILY INCOME IS ABOVE 185 PERCENT, BUT AT OR BELOW 300 PERCENT OF THE
 11 FEDERAL POVERTY GUIDELINES, THROUGH THE MCHP PREMIUM PLAN UNDER §
 12 15-301.1 OF THIS SUBTITLE.

13 15-301.1.

14 (a) (1) In this section the following words have the meanings indicated.

15 (2) "Carrier" means:

16 (i) An insurer;

17 (ii) A nonprofit service plan;

18 (iii) A health maintenance organization; or

19 (iv) Any other person that provides health benefit plans subject to
 20 regulation by the State.]

21 (3) (2) "Eligible individual" means an individual who qualifies to
 22 participate in the Maryland Children's Health Program under § 15-301(b) of this
 23 subtitle and whose family income is above 200 percent, but at or below 300 percent of
 24 the federal poverty guidelines.

25 (4) (3) "Family contribution" means the portion of the premium cost
 26 paid for an eligible individual to enroll and participate in the Maryland Children's
 27 Health Program.

28 (5) "MCHP private option plan" means the plan established under this
 29 section to provide access to health insurance coverage to eligible individuals through
 30 employer-sponsored health benefit plans and managed care organizations under the
 31 Maryland Children's Health Program.]

32 (4) "MCHP PREMIUM PLAN" MEANS THE PLAN ESTABLISHED UNDER
 33 THIS SECTION TO PROVIDE ACCESS TO HEALTH INSURANCE COVERAGE TO ELIGIBLE
 34 INDIVIDUALS THROUGH MANAGED CARE ORGANIZATIONS UNDER THE MARYLAND
 35 CHILDREN'S HEALTH PROGRAM.

1 (b) This EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THIS
2 section applies only to individuals whose family income is above 200 percent, but at or
3 below 300 percent of the federal poverty guidelines.

4 [(c) (1) An eligible individual who is enrolled in the MCHP private option
5 plan shall be insured through an employer's health benefit plan if:

6 (i) The employer offers family health insurance coverage to the
7 parent or guardian of an eligible individual;

8 (ii) The employer elects to participate in the MCHP private option
9 plan;

10 (iii) The parent or guardian of an eligible individual is insured
11 under the employer-sponsored health benefit plan;

12 (iv) The employer contributes to family health insurance coverage
13 at a rate no less than 30 percent of annual premiums;

14 (v) The plan includes a benefit package that is determined by the
15 Department to be at least equivalent to the Comprehensive Standard Health Benefit
16 Plan established under § 15-1207 of the Insurance Article; and

17 (vi) The plan does not impose cost sharing requirements on eligible
18 individuals.

19 (2) (i) The State's cost for coverage of an eligible individual enrolled in
20 the MCHP private option plan may not be greater than the cost of coverage if the
21 eligible individual was insured through a managed care organization as defined in §
22 15-101(f) of this title.

23 (ii) If an employer-sponsored health benefit plan that meets the
24 criteria under paragraph (1) of this subsection is not available to the eligible
25 individual or if the Department determines that the employer-sponsored health
26 benefit plan is not cost effective as required in item (i) of this paragraph, the eligible
27 individual shall be insured through a managed care organization as defined in §
28 15-101(f) of this title.

29 (d) The Department shall facilitate coverage of eligible individuals under an
30 employer-sponsored health benefit plan by:

31 (1) Evaluating employer-sponsored health benefit plans to determine
32 whether specific plans meet applicable State and federal requirements;

33 (2) Assisting employers that wish to participate in the MCHP private
34 option plan to meet the eligibility criteria established under subsection (c) of this
35 section;

36 (3) Collecting the family contribution under subsection (e) of this section;

1 (4) Forwarding the family contribution and the State's portion of the
 2 premium directly to the carrier; and

3 (5) Assisting employers in enrolling the eligible dependents of employees
 4 in the employer-sponsored health benefit plan.]

5 [(e) (C) (1) As a requirement of enrollment and participation in [the
 6 MCHP private option plan, through either an employer-sponsored health benefit
 7 plan or] ~~a managed care organization~~ *THE MCHP PREMIUM PLAN*, the parent or
 8 guardian of an eligible individual shall agree to pay the following annual family
 9 contribution:

10 (I) *IN FISCAL YEAR 2004 ONLY, FOR AN ELIGIBLE INDIVIDUAL*
 11 *WHOSE FAMILY INCOME IS ABOVE 185 PERCENT, BUT AT OR BELOW 200 PERCENT OF*
 12 *THE FEDERAL POVERTY GUIDELINES, AN AMOUNT EQUAL TO 2 PERCENT OF THE*
 13 *ANNUAL INCOME OF A FAMILY OF TWO AT 185 PERCENT OF THE FEDERAL POVERTY*
 14 *GUIDELINES;*

15 (i) (II) For an eligible individual whose family income is above
 16 200 percent, but at or below 250 percent of the federal poverty guidelines, an amount
 17 equal to 2 percent of the annual income of a family of two at 200 percent of the federal
 18 poverty guidelines; and

19 (ii) (III) For an eligible individual whose family income is above
 20 250 percent, but at or below 300 percent of the federal poverty guidelines, an amount
 21 equal to 2 percent of the annual income of a family of two at 250 percent of the federal
 22 poverty guidelines.

23 (2) The family contribution amounts required under paragraph (1) of
 24 this subsection apply on a per family basis regardless of the number of eligible
 25 individuals each family has enrolled in the [MCHP private option plan] ~~MANAGED~~
 26 ~~CARE ORGANIZATION~~ *MCHP PREMIUM PLAN*.

27 [(f) (D) The Department shall adopt regulations necessary to implement this
 28 section.

29 15-303.

30 (a) (1) The Department shall be responsible for enrolling program recipients
 31 in managed care organizations [and employer-sponsored health benefit plans] under
 32 the Maryland Children's Health Program established under §§ 15-301 and 15-301.1
 33 of this subtitle.

34 18-108.

35 (c) The Governor shall include in the annual budget State general funds of at
 36 least [~~\$1,000,000~~] \$250,000 to cover the administrative and food costs of the
 37 Program.

Article - Labor and Employment

1
2 5.5-106.

3 (a) (1) The proposed budget of the Division of Labor and Industry shall
4 include an appropriation from the [General Fund of the State] PUBLIC SERVICE
5 COMMISSION to cover the cost of administering this title.

6 (2) Unless the Board of Public Works exercises the option under
7 subsection (b) of this section, the Public Service Commission shall [reimburse the
8 General Fund for] PAY the cost of administering this title from money the Public
9 Service Commission receives under § 2-110 of the Public Utility Companies Article.

10 (b) (1) The Board of Public Works may adopt a regulation to assess, fairly
11 and as equally as possible, each railroad company operating in the State the cost of
12 the State's share of activities under this title.

13 (2) The amount to be [reimbursed to the State General Fund] PAID BY
14 THE PUBLIC SERVICE COMMISSION may not exceed \$1 million in any fiscal year.

Article - Natural Resources

15
16 8-709.

17 (d) Notwithstanding the provisions of subsection (a) of this section, for each of
18 fiscal years 2003 and 2004, as provided in the State budget, the Department may use
19 [up to 50% of] the moneys in the Waterway Improvement Fund for administrative
20 expenses directly relating to implementing the purposes of the Waterway
21 Improvement Fund.

Article - State Finance and Procurement

22
23 7-210.

24 (a) (1) A budget amendment may not change any language or substantive
25 provision in the State budget.

26 [(b)] (2) The limitation in this [section] SUBSECTION does not apply to the
27 monetary figures of an appropriation.

28 (B) A BUDGET AMENDMENT MAY NOT TRANSFER ANY PART OF A GENERAL
29 FUND CAPITAL APPROPRIATION TO AN OPERATING PROGRAM OR PURPOSE.

30 7-309.

31 (a) There is a State Reserve Fund.

32 (b) The State Reserve Fund comprises:

33 (1) the Dedicated Purpose [Fund] ACCOUNT;

- 1 (2) the Revenue Stabilization [Fund] ACCOUNT;
2 (3) the Economic Development Opportunities Program [Fund]
3 ACCOUNT;
4 (4) the Catastrophic Event [Fund] ACCOUNT; and
5 (5) the Joseph Fund ACCOUNT.

6 7-310.

7 (a) In this section ["Fund"] "ACCOUNT" means the Dedicated Purpose [Fund]
8 ACCOUNT.

9 (b) The Dedicated Purpose [Fund] ACCOUNT is established:

10 (1) to retain appropriations for major, multi-year expenditures where
11 the magnitude and timing of cash needs are uncertain; and

12 (2) beginning in fiscal year 1996, to meet specific expenditure
13 requirements.

14 (c) The Governor may provide an appropriation in the budget bill to the
15 [Fund] ACCOUNT for a specific purpose or purposes.

16 (d) [(1) For those appropriations to the Fund designated for a specific
17 purpose, the Governor may:

18 (i) include the funds as special funds in the State budget subject to
19 appropriation by the General Assembly; or

20 (ii) after notice to and approval by the Legislative Policy
21 Committee transfer the specific purpose funds by budget amendment from the Fund
22 to the expenditure account of the appropriate unit of State government.

23 (2) For [those appropriations] EACH APPROPRIATION to the [Fund for a
24 general purpose] ACCOUNT, the Governor may:

25 [(i)] (1) include the funds in the State budget subject to appropriation
26 by the General Assembly; or

27 [(ii)] (2) transfer the [general purpose] funds by budget amendment
28 from the [Fund] ACCOUNT to the expenditure account of the appropriate unit of
29 State government only after the proposed budget amendment has been submitted to
30 the Senate Budget and Taxation Committee and the House Appropriations
31 Committee of the General Assembly and approved by the Legislative Policy
32 Committee.

33 (e) The [Fund] ACCOUNT is a continuing, nonlapsing fund which is not
34 subject to § 7-302 of this subtitle.

1 (f) (1) The unspent balance of an appropriation to the [Fund] ACCOUNT
2 reverts to the Revenue Stabilization [Fund] ACCOUNT 4 years after the end of the
3 fiscal year for which the appropriation was made.

4 (2) If the Governor determines that certain funds in the [Fund]
5 ACCOUNT are no longer needed for the purpose for which they were originally
6 appropriated, those funds may be transferred by budget amendment to the Revenue
7 Stabilization [Fund] ACCOUNT after the proposed budget amendment has been
8 submitted to the Senate Budget and Taxation Committee and the House
9 Appropriations Committee of the General Assembly and approved by the Legislative
10 Policy Committee.

11 7-311.

12 (a) In this section ["Fund"], "ACCOUNT" means the Revenue Stabilization
13 [Fund] ACCOUNT.

14 (b) The Revenue Stabilization [Fund] ACCOUNT is established to retain State
15 revenues for future needs and reduce the need for future tax increases by moderating
16 revenue growth.

17 (c) The [Fund] ACCOUNT is a continuing, nonlapsing fund which is not
18 subject to § 7-302 of this subtitle.

19 (d) The [Fund] ACCOUNT consists of:

20 (1) moneys appropriated in the State budget to the [Fund] ACCOUNT;
21 and

22 (2) interest or other income earned from the investment of any portion of
23 this [Fund] ACCOUNT or any other account in the State Reserve Fund.

24 (e) Except as provided in subsection (f) of this section, [beginning in fiscal
25 year 1995 and] for each [subsequent] fiscal year [,]:

26 (1) IF THE ACCOUNT BALANCE IS BELOW 3% OF THE ESTIMATED
27 GENERAL FUND REVENUES FOR THAT FISCAL YEAR, THE GOVERNOR SHALL
28 INCLUDE IN THE BUDGET BILL AN APPROPRIATION TO THE ACCOUNT EQUAL TO AT
29 LEAST \$100,000,000; AND

30 (2) IF THE ACCOUNT BALANCE IS AT LEAST 3% BUT LESS THAN 5% OF
31 THE ESTIMATED GENERAL FUND REVENUES FOR THAT FISCAL YEAR, the Governor
32 shall include in the budget bill an appropriation to the Fund equal to at least the
33 lesser of \$50,000,000 or whatever amount is required for the [Fund] ACCOUNT
34 balance to exceed 5% of the estimated General Fund revenues for that fiscal year.

35 (f) The appropriations required by subsection (e) of this section are not
36 required when the [Fund] ACCOUNT balance exceeds 5% of the estimated General
37 Fund revenues.

1 (g) If authorized by an act of the General Assembly or specifically authorized
2 in the State budget bill as enacted, the Governor may transfer funds from the [Fund]
3 ACCOUNT to General Fund revenues.

4 (h) If the budget bill as submitted to the General Assembly includes a transfer
5 of funds from the [Fund] ACCOUNT pursuant to subsection (g) of this section, the
6 budget bill as enacted by the General Assembly may provide for a reduction of the
7 amount of the transfer from the [Fund] ACCOUNT by an amount up to the amount of
8 the reductions made by the General Assembly in the General Fund appropriations.

9 (i) Funds of the [Fund] ACCOUNT may only be transferred from the [Fund]
10 ACCOUNT as provided in this section and are not subject to transfer by budget
11 amendment.

12 (j) (1) Except as provided in paragraph (2) of this subsection, for fiscal year
13 2004 and for each subsequent fiscal year, the Governor shall include in the budget bill
14 an appropriation to the [Fund] ACCOUNT equal to the amount by which the
15 unappropriated General Fund surplus as of June 30 of the second preceding fiscal
16 year exceeds \$10,000,000.

17 (2) The appropriation required under this subsection for any fiscal year
18 may be reduced by the amount of any appropriation to the [Fund] ACCOUNT required
19 to be included for that fiscal year under subsection (e) of this section.

20 7-314.

21 (a) ~~(1)~~ In this section the following words have the meanings indicated.

22 (2) ["Fund"] "ACCOUNT" means the Economic Development
23 Opportunities Program [Fund] ACCOUNT.

24 (3) (i) "Performance requirement" means a contractual agreement
25 between an executive agency and [a Fund] AN ACCOUNT recipient that requires the
26 [Fund] ACCOUNT recipient to meet minimum economic development outcomes in
27 exchange for a grant or a loan under this section.

28 (b) Subject to the provisions of this section, the Economic Development
29 Opportunities Program [Fund] ACCOUNT is established to maximize extraordinary
30 economic development opportunities.

31 (c) The Governor may provide an appropriation in the budget bill to the
32 [Fund] ACCOUNT for a specific or general purpose or purposes.

33 (d) After notice to and approval by the Legislative Policy Committee, the
34 Governor may transfer funds by budget amendment from the Economic Development
35 Opportunities Program [Fund] ACCOUNT to the expenditure account of the
36 appropriate executive agency.

37 (e) (1) The [Fund] ACCOUNT is a continuing, nonlapsing fund which is not
38 subject to § 7-302 of this subtitle.

1 (2) The Treasurer shall separately hold, and the Comptroller shall
2 account for, the [Fund] ACCOUNT.

3 (3) The [Fund] ACCOUNT shall be invested and reinvested in the same
4 manner as other State funds.

5 (4) Except as provided in paragraph (5) of this subsection, any
6 investment earnings shall be subject to § 7-311(d) of this subtitle.

7 (5) Any investment earnings on moneys transferred from the [Fund]
8 ACCOUNT to a second continuing, nonlapsing fund may be retained to the credit of the
9 second fund.

10 (f) (1) Moneys appropriated or credited to the [Fund] ACCOUNT do not
11 revert to the Revenue Stabilization [Fund] ACCOUNT.

12 (2) Except as provided in paragraph (3) of this subsection, repayments of
13 principal or interest on any loan from the [Fund] ACCOUNT shall be retained to the
14 credit of the [Fund] ACCOUNT.

15 (3) Repayments of principal or interest on any loan made from moneys
16 transferred from the [Fund] ACCOUNT to a second continuing, nonlapsing fund may
17 be retained to the credit of the second fund.

18 (g) (1) The Department of Business and Economic Development shall report
19 to the Governor and, subject to § 2-1246 of the State Government Article, to the
20 General Assembly before January 1 of each year:

21 (ii) for the previous 3 fiscal years, the status of [Fund] ACCOUNT
22 disbursements for economic development projects approved by the Legislative Policy
23 Committee under this section; and

24 (h) (1) Except as provided in paragraph (2) of this subsection and in
25 subsection (i) of this section, any funds transferred from the Economic Development
26 Opportunities Program [Fund] ACCOUNT shall be used only for extraordinary
27 economic development opportunities that:

28 (i) meet the criteria provided in this section;

29 (ii) include performance requirements; and

30 (iii) in addition to the performance requirements under item (ii) of
31 this subsection, include a performance requirement that utilizes a claw-back
32 provision.

33 (2) The [Fund] ACCOUNT may pay an executive agency for
34 administrative, legal, or actuarial expenses incurred by the agency in connection with
35 transactions funded by transfers of moneys to the agency from the [Fund] ACCOUNT.

1 (k) Subject to the provisions of this subtitle, funds transferred from the
2 Economic Development Opportunities Program [Fund] ACCOUNT, to an executive
3 agency, may be loaned, granted, or invested for:

4 (1) assisting in the retention or expansion of existing private sector
5 enterprises, public or private institutions, or federal research and development
6 institutes;

7 (2) assisting in the establishment or attraction of private sector
8 enterprises, public or private institutions, or federal research and development
9 institutes new to this State; or

10 (3) providing assistance where existing State or local programs lack
11 sufficient resources or are constrained by timing or program design from being
12 utilized.

13 (l) Upon request for approval for the transfer of funds by budget amendment
14 from the [Fund] ACCOUNT, the Governor shall provide, subject to § 2-1246 of the
15 State Government Article, to the Legislative Policy Committee:

16 (1) a detailed description of:

17 (i) the proposed use of the funds;

18 (ii) the manner in which the proposed use meets the criteria as set
19 forth in this section;

20 (iii) the degree to which the proposed use of funds will advance
21 statewide or local economic development strategies and objectives; and

22 (iv) the degree to which available sources of federal, State, local,
23 and private financial support has been sought and will be utilized;

24 (2) the terms, conditions, and performance requirements of any grant or
25 loan for which the funds are to be used;

26 (3) a comprehensive economic analysis of the proposed use of the funds
27 which estimates:

28 (i) the economic impact to the State and the local jurisdictions
29 affected;

30 (ii) a minimum level of net economic benefits to the public sector;

31 (iii) the number of jobs expected to be created as a result of the
32 proposed economic development project and the percentage of those jobs that are
33 expected to be held by Maryland residents;

34 (iv) the wage rates and benefit packages for the jobs expected to be
35 created as a result of the proposed economic development project; and

- 1 (v) any other appropriate financial or economic benefits;
- 2 (4) any other analysis or information that is requested by the Legislative
3 Policy Committee; and
- 4 (5) the date on which the executive agency expects to disburse the funds
5 to the proposed recipient.
- 6 (m) If an executive agency fails to disburse transferred funds to a recipient
7 within 1 year after the expected disbursement date presented to the Legislative
8 Policy Committee under subsection (l) of this section, the funds will revert back to the
9 [Fund] ACCOUNT and the Governor shall:
- 10 (1) resubmit the request to the Legislative Policy Committee to transfer
11 funds by budget amendment to the [Fund] ACCOUNT; and
- 12 (2) provide the Legislative Policy Committee with the information
13 required under subsection (l) of this section.
- 14 (n) Funds appropriated to the Economic Development Opportunities Program
15 [Fund] ACCOUNT may not be loaned, granted, or invested for:
- 16 (1) substituting for funds from other State or local programs for which a
17 project may be eligible and sufficient resources exist;
- 18 (2) projects which are not likely to attract or retain employment
19 opportunities;
- 20 (3) funding projects located outside the State;
- 21 (4) construction or land acquisition by the Maryland Stadium Authority;
22 or
- 23 (5) funding for any sports activity or facility.
- 24 7-324.
- 25 (a) In this section, ["Fund"] "ACCOUNT" means the ["Catastrophic Event
26 Fund"] CATASTROPHIC EVENT ACCOUNT.
- 27 (b) Subject to the provisions of this section, the [Fund] ACCOUNT is
28 established to enable the State to respond without undue delay to a natural disaster
29 or other catastrophic situation that cannot be taken care of within the resources of
30 existing appropriations.
- 31 (c) The Governor may provide an appropriation in the budget bill to the
32 [Fund] ACCOUNT.
- 33 (d) After notice to and approval by the Legislative Policy Committee, the
34 Governor may transfer funds by budget amendment from the [Fund] ACCOUNT to
35 the expenditure accounts of the appropriate unit of State government.

- 1 (e) Funds appropriated to the Catastrophic Event [Fund] ACCOUNT:
- 2 (1) may not be used to offset operating deficiencies in regular programs
- 3 of State government; but
- 4 (2) may be expended to assist a unit of State government in funding
- 5 costs in connection with a natural disaster or catastrophic situation.
- 6 (f) (1) The [Fund] ACCOUNT is a continuing, nonlapsing fund which is not
- 7 subject to § 7-302 of this subtitle.
- 8 (2) The Treasurer shall separately hold, and the Comptroller shall
- 9 account for, the [Fund] ACCOUNT.
- 10 (3) The [Fund] ACCOUNT shall be invested and reinvested in the same
- 11 manner as other State funds.
- 12 (4) Any investment earning shall be subject to § 7-311(d) of this subtitle.
- 13 (g) Moneys appropriated to the [Fund] ACCOUNT do not revert to the
- 14 Revenue Stabilization [Fund] ACCOUNT.
- 15 7-325.
- 16 (a) [In this section, "Governor's proposed general fund appropriation" means
- 17 the general fund appropriation included by the Governor in the annual budget bill as
- 18 submitted to the General Assembly, before any amendment by the General Assembly.
- 19 (b) For each fiscal year, the [Governor's proposed general fund] GOVERNOR
- 20 SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL
- 21 ASSEMBLY AN appropriation for the Maryland State Arts Council [shall be] IN AN
- 22 AMOUNT not less than the amount of the [Governor's proposed general fund]
- 23 appropriation for the Council AS APPROVED IN THE STATE BUDGET AS ENACTED BY
- 24 THE GENERAL ASSEMBLY for the [current] PRIOR fiscal year, increased by not less
- 25 than the percentage by which the projected total general fund revenues for the
- 26 upcoming fiscal year exceed the revised estimate of total general fund revenues for
- 27 the current fiscal year, as contained in the report of estimated State revenues
- 28 submitted by the Board of Revenue Estimates to the Governor under § 6-106(b) of
- 29 this article.
- 30 [(c)] (B) The Legislative Auditor has the authority to conduct a review or
- 31 audit of any recipient of a grant from the Maryland State Arts Council.
- 32 7-327.
- 33 (a) (1) In this section the following words have the meanings indicated.
- 34 (2) "Board" means the Joseph Fund Board.
- 35 (3) ["Fund"] "ACCOUNT" means the Joseph Fund ACCOUNT.

1 (4) "Unappropriated surplus" means the unappropriated General Fund
2 balance in a fiscal year as of June 30.

3 (b) The Joseph Fund ACCOUNT is established to set aside reserves in times of
4 economic prosperity and use those reserves to meet the emergency needs of
5 economically disadvantaged citizens of the State, especially in times of economic
6 downturn.

7 (c) (1) The [Fund] ACCOUNT is a continuing, nonlapsing fund which is not
8 subject to § 7-302 of this subtitle.

9 (2) The Treasurer shall separately hold and the Comptroller shall
10 account for the [Fund] ACCOUNT.

11 (3) Notwithstanding any other provision of law, the Treasurer may
12 invest moneys in the [Fund] ACCOUNT in a manner consistent with the investment
13 of moneys by the State Retirement and Pension System.

14 (4) Any investment earnings of the [Fund] ACCOUNT shall be paid into
15 the [Fund] ACCOUNT.

16 (d) The [Fund] ACCOUNT consists of:

17 (1) moneys appropriated in the State budget to the [Fund] ACCOUNT;

18 (2) earnings from the investment of moneys in the [Fund] ACCOUNT;
19 and

20 (3) any other moneys accepted for the benefit of the [Fund] ACCOUNT
21 from any governmental or private source.

22 (e) For fiscal year 2002 and each subsequent fiscal year, the Governor may
23 include in the budget bill an appropriation to the Joseph Fund ACCOUNT equal to the
24 lesser of:

25 (1) 20% of the unappropriated surplus as of the end of the fiscal year two
26 years prior to the fiscal year for which the appropriation is proposed; or

27 (2) \$5,000,000.

28 (g) (1) The Board shall advise the Governor on the management of the
29 [Fund] ACCOUNT.

30 (2) The Board shall be briefed twice a year by the Governor and the
31 appropriate State agencies on the:

32 (i) financial status of the [Fund] ACCOUNT; and

33 (ii) status of programs that serve economically disadvantaged
34 citizens of the State.

1 (3) Subject to the restrictions in subsection (h) of this section, the Board
2 may forward recommendations to the Governor for expenditures from the [Fund]
3 ACCOUNT.

4 (h) (1) The Governor shall review and respond to the recommendations of
5 the Board in a timely manner.

6 (2) Subject to the restrictions in this subsection, the Governor may
7 authorize the expenditure of moneys from the [Fund] ACCOUNT.

8 (3) If the Governor authorizes an expenditure from the [Fund]
9 ACCOUNT not recommended by the Board, the Governor shall notify the Board prior
10 to the authorization.

11 (4) Except as provided in paragraph (5) of this subsection, the Governor
12 may authorize in a fiscal year the expenditure of up to 25% of the investment
13 earnings of the [Fund] ACCOUNT from the preceding fiscal year.

14 (5) Upon certification from the Department of Labor, Licensing, and
15 Regulation that the statewide unemployment rate has increased for 3 consecutive
16 months, the Governor may authorize in a fiscal year the expenditure of up to:

17 (i) 100% of the investment earnings of the [Fund] ACCOUNT from
18 the preceding fiscal year; and

19 (ii) 40% of the remaining balance of the [Fund] ACCOUNT.

20 (6) Notwithstanding any other provision in this subsection, moneys may
21 not be expended from the [Fund] ACCOUNT until the balance in the [Fund]
22 ACCOUNT has reached \$15,000,000.

23 (7) (i) The [Fund] ACCOUNT shall be used on a statewide basis to
24 meet the emergency needs of economically disadvantaged citizens of the State.

25 (ii) Moneys from the [Fund] ACCOUNT may not be considered the
26 sole source of funds to meet the emergency needs of economically disadvantaged
27 citizens of the State.

28 (iii) The [Fund] ACCOUNT shall be used only for programs and
29 services that:

30 1. serve children in need;

31 2. provide health services to individuals in need who are at
32 or below 150% of the federal poverty level; and

33 3. provide food or shelter assistance to individuals in need.

34 (8) The [Fund] ACCOUNT may not be used to supplant existing public
35 and private expenditures, unless the Department of Labor, Licensing, and Regulation

1 makes the certification under paragraph (5) of this subsection and reductions in
 2 public and private expenditures warrant supplantation.

3 (9) Expenditures from the [Fund] ACCOUNT may be:

4 (i) included in the State budget subject to appropriation by the
 5 General Assembly; or

6 (ii) made by budget amendment to the expenditure account of the
 7 appropriate unit of State government only after the proposed budget amendment has
 8 been submitted to the Senate Budget and Taxation Committee and the House
 9 Appropriations Committee of the General Assembly.

10 (10) Notwithstanding any other provision of this subsection, for fiscal
 11 years 2002, 2003, and 2004, expenditures from the [Fund] ACCOUNT may be made
 12 only as follows:

13 (i) for fiscal year 2002, moneys may not be expended from the
 14 [Fund] ACCOUNT;

15 (ii) for fiscal year 2003, subject to the budget amendment procedure
 16 provided for in § 7-209 of this title, up to \$3,300,000 from the [Fund] ACCOUNT may
 17 be used for the Department of Human Resources to cover costs associated with
 18 increasing temporary cash assistance grants effective January 1, 2003; and

19 (iii) for fiscal year 2004, as included in the State budget or subject to
 20 the budget amendment procedure provided for in § 7-209 of this title, the remaining
 21 balance in the [Fund] ACCOUNT may be used for the Department of Human
 22 Resources to cover costs associated with increasing temporary cash assistance grants
 23 effective January 1, 2003.

24 (i) The Board shall report to the Governor and, subject to § 2-1246 of the
 25 State Government Article, to the General Assembly before September 1 of each year
 26 on the financial status of the [Fund] ACCOUNT and the expenditures from the
 27 [Fund] ACCOUNT for the preceding fiscal year.

28 **Article - Tax - Property**

29 13-209.

30 (c) (1) Subject to subsection (e) of this section, [for each of the fiscal years
 31 beginning July 1, 2002 and July 1, 2003,] of the balance of the revenue in the special
 32 fund, not required under subsection (b) of this section:

33 (i) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, \$47,268,585
 34 shall be allocated to the general fund of the State AND THE REMAINDER SHALL BE
 35 ALLOCATED AS PROVIDED IN SUBSECTION (D) OF THIS SECTION;

1 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, \$102,833,869
 2 SHALL BE ALLOCATED TO THE GENERAL FUND OF THE STATE; AND THE REMAINDER
 3 SHALL BE ALLOCATED AS PROVIDED IN THE STATE BUDGET; AND

4 (III) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, ~~\$100,000,000~~ AN
 5 AMOUNT EQUAL TO 50% OF THE ESTIMATED FISCAL YEAR 2005 REVENUE FOR THE
 6 SPECIAL FUND SHALL BE ALLOCATED TO THE GENERAL FUND OF THE STATE, AND
 7 THE REMAINDER SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (D) OF THIS
 8 SECTION; ~~and~~

9 ~~{(ii)}~~ (IV) ~~The remainder shall be allocated as provided in subsection~~
 10 ~~(d) of this section.~~

11 (2) Subject to subsection (e) of this section, for the fiscal years beginning
 12 July 1, [2004] 2005 and each subsequent fiscal year, the balance of the revenue in the
 13 special fund, not required under subsection (b) of this section shall be allocated as
 14 provided in subsection (d) of this section.

15 Article - Transportation

16 7-402.

17 (A) THE STATE MAY NOT ENTER INTO AN AGREEMENT FOR CONSTRUCTION
 18 OR OPERATION OF A RAIL SYSTEM BASED ON MAGNETIC LEVITATION TECHNOLOGY
 19 EXCEPT PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY SPECIFICALLY
 20 AUTHORIZING THE PROJECT.

21 (B) STATE GENERAL OR SPECIAL FUNDS MAY NOT BE EXPENDED FOR THE
 22 PURPOSE OF STUDYING, DEVELOPING, OR CONSTRUCTING A MAGLEV SYSTEM IN
 23 THE STATE.

24 12-120.

25 (d) [If the Administration alters the level of any miscellaneous fee as
 26 authorized under subsection (c) of this section, the] THE Administration shall set the
 27 levels of miscellaneous fees so that the total amount of projected revenues from all
 28 miscellaneous fees for the upcoming fiscal year is at least [85] 95 percent but does not
 29 exceed [90] 100 percent of the sum of:

30 (1) The operating budget of the Administration for that fiscal year as
 31 approved by the General Assembly in the annual State budget; and

32 (2) The Administration's portion of the cost for that fiscal year of the
 33 Department's data center operations, except for the cost of data center operations
 34 attributable to other administrations' activities.

35 (e) (1) The Administration may not alter miscellaneous fees more than once
 36 in any fiscal year.

1 funds appropriated to the Dedicated Purpose Account for the Family Investment
 2 Program may not revert to the Revenue Stabilization Account even if those funds are
 3 unspent 4 years after the end of the fiscal year for which the appropriation was
 4 made.]

5 [SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding §
 6 7-310(f)(1) of the State Finance and Procurement Article, the unspent balance of
 7 funds appropriated to the Dedicated Purpose Account for the Purchase of Child Care
 8 Program may not revert to the Revenue Stabilization Account even if those funds are
 9 unspent 4 years after the end of the fiscal year for which the appropriation was
 10 made.]

11 **Chapter 121 of the Acts of 1999**

12 SECTION 4. AND BE IT FURTHER ENACTED, That for fiscal year [2001]
 13 2004 ~~and each fiscal year thereafter~~, the Governor shall include not less than
 14 [\$21,000,000] \$18,000,000 in the annual budget in appropriations for activities aimed
 15 at reducing tobacco use in Maryland as recommended by the Centers for Disease
 16 Control and Prevention, including:

17 (1) Media campaigns aimed at reducing smoking initiation and
 18 encouraging smokers to quit smoking;

19 (2) Media campaigns educating the public about the dangers of
 20 secondhand smoke exposure;

21 (3) Enforcement of existing laws banning the sale or distribution of
 22 tobacco products to minors;

23 (4) Promotion and implementation of smoking cessation programs; and

24 (5) Implementation of school-based tobacco education programs.

25 **~~Chapter 309 of the Acts of 2000~~**

26 [SECTION 3. ~~AND BE IT FURTHER ENACTED, That the Laws of Maryland~~
 27 ~~read as follows:~~

28 **~~Article - Business Regulation~~**

29 ~~11-402.~~

30 ~~The special fund consists of:~~

31 ~~(1) the State share of daily license fees;~~

32 ~~(2) pari-mutuel taxes;~~

33 ~~(3) the impact aid under § 11-812 of this title; and~~

1

Chapter 440 of the Acts of 2002

2 ~~{SECTION 25. AND BE IT FURTHER ENACTED, That notwithstanding §~~
 3 ~~16-319 or § 7-302 16-317~~ of the Education Article or any other provision of law, the
 4 portion of fiscal year 2002 and 2003 payments required under ~~§ 16-319 § 16-317~~ of
 5 the Education Article for private technology donation incentives ~~or under § 17-302 of~~
 6 ~~the Education Article for private donation incentives~~ that are not funded in the fiscal
 7 2003 budget shall be deferred until fiscal year ~~2004 2005.~~}

8

Chapter 453 of the Acts of 2002

9 SECTION 3. AND BE IT FURTHER ENACTED, That:

10 (1) Beginning in fiscal year [2004] 2007 and each fiscal year thereafter, each
 11 county and Baltimore City shall use the savings resulting from this Act solely to
 12 increase local expenditures for the circuit courts or related public safety purposes;

13 (2) In fiscal years [2004] 2007 through [2011] 2014, each county and
 14 Baltimore City shall report to the Department of Budget and Management on or
 15 before November 1 on circuit court or related public safety expenditures to which the
 16 savings resulting from this Act have been applied. The Department of Budget and
 17 Management shall report these expenditures to the Chief Judge of the Court of
 18 Appeals and, subject to § 2-1246 of the State Government Article, to the General
 19 Assembly; and

20 (3) Circuit court or related public safety expenditures required under this
 21 section shall be used to supplement and may not supplant existing local expenditures
 22 for the same purpose.

23 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
 24 July 1, [2003] 2006.

25

Chapter 464 of the Acts of 2002

26 SECTION 3. AND BE IT FURTHER ENACTED, That:

27 (b) [(1)] The Department may not implement a reduction in the pharmacy
 28 reimbursement rate until October 1, 2002.

29 [(2) The Department of Health and Mental Hygiene may not increase the
 30 total copayment collection from enrollees in the Medicaid program, including
 31 enrollees in managed care organizations.]

32 (f) The Department of Health and Mental Hygiene may implement measures
 33 to encourage the use of medically appropriate generic drugs and those brand name
 34 drugs on a preferred drug list, including:

35 (1) The use of tiered copayments for Medicaid and the Maryland
 36 Pharmacy Assistance Program [provided that the amounts set for those copayments
 37 do not result in an increase in total copayment collections];

1 (2) The use of differential dispensing fees to pharmacies provided that
2 the amounts set for those dispensing fees remain revenue neutral;

3 (3) The use of consultation payments to pharmacies, similar to those
4 used in the State Employee Health Benefits Plan, to encourage communication
5 between patients, prescribers, and pharmacists regarding cost-effective drug
6 therapies; and

7 (4) The implementation of education programs on the use of preferred
8 drugs for prescribers that participate in the Medicaid and Maryland Pharmacy
9 Assistance Programs.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Article 41- Governor - Executive and Administrative Departments**

13 4-403.

14 (b) [For] SUBJECT TO SUBSECTION (D) OF THIS SECTION, FOR the fiscal year
15 beginning July 1, [1975] 2004, and thereafter, the State shall pay to each subdivision,
16 and to each qualifying municipality, each year in the manner and subject to the
17 limitations and requirements hereinafter provided, an amount determined as follows:

18 (1) Share in Basic Expenditure. If the aggregate expenditures for police
19 protection in a subdivision equal or exceed \$6.00 per capita, the State shall pay to the
20 subdivision the amount, if any, by which the equivalent of \$6.00 per capita exceeds
21 0.09% of the wealth base. If the aggregate expenditures for police protection in a
22 subdivision are less than \$6.00 per capita, the State shall pay to the subdivision the
23 amount, if any, by which aggregate expenditures for police protection exceed that
24 proportion of 0.09 percent of the wealth base which aggregate expenditures for police
25 protection bear to the equivalent of \$6.00 per capita.

26 (2) Share Over the Basic Expenditure. In addition to the amount, if any,
27 payable under paragraph (1) of this subsection, the State shall pay to each
28 subdivision an amount equal to 25% of the amount, if any, by which aggregate
29 expenditures for police protection exceed the equivalent of \$6.00 per capita. Provided
30 however:

31 (i) For subdivisions with a population density less than 100 per
32 square mile, and less than 30% of total population residing in municipalities, there
33 shall be no payment under this paragraph.

34 (ii) For subdivisions with population density 100 or more but less
35 than 500 per square mile, and for subdivisions with population density less than 100
36 per square mile but with 30% or more of total population residing in municipalities,
37 payment under this paragraph shall not exceed the equivalent of \$3.50 per capita.

1 (iii) For subdivisions with population density 500 or more but less
2 than 900 per square mile, payment under this paragraph shall not exceed the
3 equivalent of \$7.50 per capita.

4 (iv) For subdivisions with population density 900 or more but less
5 than 1,100 per square mile, payment under this paragraph shall not exceed the
6 equivalent of \$8.00 per capita.

7 (v) For subdivisions with population density 1,100 or more but less
8 than 1,300 per square mile, payment under this paragraph shall not exceed the
9 equivalent of \$9.25 per capita.

10 (vi) For subdivisions with population density 1,300 or more but less
11 than 8,000 per square mile, payment under this paragraph shall be 25% of the
12 amount by which aggregate expenditures for police protection exceed the equivalent
13 of \$6.00 per capita but do not exceed the equivalent of \$36.00 per capita and 50% of
14 the amount by which aggregate expenditures for police protection exceed the
15 equivalent of \$36.00 per capita but do not exceed the equivalent of \$45.50 per capita.

16 (vii) For subdivisions with population density 8,000 or more per
17 square mile, payment under this paragraph shall be 25% of the amount by which
18 aggregate expenditures for police protection exceed the equivalent of \$6.00 per capita
19 but do not exceed the equivalent of \$36.00 per capita and 50% of the amount by which
20 aggregate expenditures for police protection exceed the equivalent of \$36.00 per
21 capita but do not exceed the equivalent of \$101.50 per capita.

22 (3) Minimum Grant. The State shall pay to each subdivision the amount,
23 if any, by which the equivalent of \$2.50 per capita exceeds the total payments
24 determined under paragraphs (1) and (2) of this subsection. No subdivision for which
25 the population estimate is less than the population estimated for the first year of this
26 grant shall receive in any year a smaller amount of State aid for police protection
27 than it received in any previous year, provided it has not reduced the level of
28 expenditure for police protection which entitled it to the amount of that previous
29 year's grant.

30 (4) Incentive Grant. In addition to the payments made under paragraphs
31 (1), (2), and (3) of this subsection, the State shall pay to each subdivision with a
32 population density of less than 500 per square mile, an amount the equivalent of
33 \$2.00 per capita.

34 (5) Supplemental Grant. (i) In addition to the payments made under
35 paragraphs (1), (2), (3) and (4) of this subsection, the State shall pay:

36 1. To each subdivision, subject to subparagraph (ii) of this
37 paragraph, an amount the equivalent of \$2.50 per capita; and

38 2. To Baltimore City, an amount the equivalent of fifty cents
39 per capita.

1 (ii) The State shall allocate and distribute the supplemental grant
2 to each subdivision among the subdivisions and the qualifying municipalities in those
3 subdivisions on a per capita basis.

4 (6) Additional Grant. For the fiscal year ending June 30, 1981, and for
5 each fiscal year thereafter, an additional grant equal to 10 percent of the total of the
6 payments determined under paragraphs (1), (2), (3) and (4) of this subsection, or an
7 amount which shall not exceed the equivalent of \$1 per capita, whichever is the
8 larger, shall be paid to the subdivisions.

9 (7) Minimum Payment in Certain Years. Each subdivision shall be paid
10 that amount, if any, by which the grant paid to the subdivision in the fiscal year
11 ending June 30, 1984 exceeds the total payments determined under paragraphs (1),
12 (2), (3), (4), (5) and (6) of this subsection.

13 (8) Municipal Sworn Officer Allocation. The State shall pay to each
14 qualifying municipality, in addition to the payments made under paragraphs (1)
15 through (7) of this subsection an amount equal to \$1,800 for each sworn police officer
16 actually employed on a full-time basis by the qualifying municipality, as determined
17 by the Secretary of State Police.

18 (D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
19 MEANINGS INDICATED.

20 (II) "CRIME ASSESSMENT" MEANS AN AMOUNT OBTAINED FOR
21 EACH SUBDIVISION OR BALTIMORE CITY BY MULTIPLYING THE PERCENT OF TOTAL
22 PART I CRIMES IN THE STATE THAT WERE COMMITTED IN THE SUBDIVISION OR
23 BALTIMORE CITY BY 10 PERCENT OF THE COSTS FOR THE CRIME LABORATORY OF
24 THE STATE POLICE AS PROVIDED IN THE STATE BUDGET FOR THE FISCAL YEAR OF
25 THE ASSESSMENT.

26 (III) "PART I CRIMES" MEANS THE CRIMES REPORTED BY THE STATE
27 POLICE AS PART I CRIMES IN THE ANNUAL UNIFORM CRIME REPORT FOR THE
28 CALENDAR YEAR THAT ENDED THE FISCAL YEAR PRECEDING THE FISCAL YEAR OF
29 THE CRIME ASSESSMENT.

30 (IV) "WEALTH ASSESSMENT" MEANS AN AMOUNT OBTAINED FOR
31 EACH SUBDIVISION OR BALTIMORE CITY BY MULTIPLYING THE PERCENT OF THE
32 TOTAL WEALTH BASE OF THE STATE THAT IS ATTRIBUTABLE TO THE WEALTH BASE
33 OF THE SUBDIVISION OR BALTIMORE CITY BY 20 PERCENT OF THE COSTS FOR THE
34 CRIME LABORATORY OF THE STATE POLICE AS PROVIDED IN THE STATE BUDGET
35 FOR THE FISCAL YEAR OF THE ASSESSMENT.

36 (2) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND FOR EACH
37 FISCAL YEAR THEREAFTER, THE AMOUNT DETERMINED UNDER SUBSECTION (B) OF
38 THIS SECTION FOR EACH SUBDIVISION OR BALTIMORE CITY SHALL BE REDUCED BY
39 THE SUM OF THE CRIME ASSESSMENT AND THE WEALTH ASSESSMENT FOR THE
40 SUBDIVISION OR BALTIMORE CITY.

1 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding Article
 2 88B, § 66 of the Code, for fiscal year 2004, the amounts to be paid to a county or
 3 Baltimore City from the State Aid for Police Protection Fund shall be reduced by the
 4 following amounts, reflecting each jurisdiction's share of the costs of the State Police
 5 Crime Lab:

6	<u>Allegany County</u>	<u>\$20,026</u>
7	<u>Anne Arundel County</u>	<u>243,132</u>
8	<u>Baltimore City</u>	<u>295,714</u>
9	<u>Baltimore County</u>	<u>341,939</u>
10	<u>Calvert County</u>	<u>33,622</u>
11	<u>Caroline County</u>	<u>9,238</u>
12	<u>Carroll County</u>	<u>57,108</u>
13	<u>Cecil County</u>	<u>32,269</u>
14	<u>Charles County</u>	<u>52,659</u>
15	<u>Dorchester County</u>	<u>10,662</u>
16	<u>Frederick County</u>	<u>82,723</u>
17	<u>Garrett County</u>	<u>9,875</u>
18	<u>Harford County</u>	<u>84,532</u>
19	<u>Howard County</u>	<u>132,895</u>
20	<u>Kent County</u>	<u>7,211</u>
21	<u>Montgomery County</u>	<u>491,768</u>
22	<u>Prince George's County</u>	<u>377,314</u>
23	<u>Queen Anne's County</u>	<u>18,255</u>
24	<u>St. Mary's County</u>	<u>30,197</u>
25	<u>Somerset County</u>	<u>5,416</u>
26	<u>Talbot County</u>	<u>18,970</u>
27	<u>Washington County</u>	<u>43,040</u>
28	<u>Wicomico County</u>	<u>33,736</u>
29	<u>Worcester County</u>	<u>33,143</u>

30 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 31 read as follows:

32 **Article - Education**

33 5-216.

34 (d) (2) The percentage component shall be calculated as follows:

35 (iv) For fiscal year 2004, the county board shall receive an amount
 36 that is equal to [50%] ~~25%~~ 0% of the amount of the percentage component received by
 37 the county board in fiscal year 2002; and

38 (3) (iii) For fiscal year 2004, the county board shall receive an amount
 39 that is equal to [50%] ~~25%~~ 0% of the amount of the wealth adjusted component
 40 received by the county board in fiscal year 2002.

41 SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any
 42 other provision of law, for fiscal year 2004 only, for the purposes of § 5-202(b)(3) of the
 43 Education Article, the calculation of a county's highest local appropriation to its
 44 school operating budget for the prior fiscal year shall exclude disparity grant funds

1 required by Chapter 439 of the Acts of 2002 (Fiscal Year 2003 Operating Budget) and
 2 Section 19 of Chapter 288 of the Acts of 2002.

3 SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 18-1301
 4 through 18-1319 and the subtitle "Subtitle 13. Maryland Higher Education
 5 Supplemental Loan Authority" of Article - Education of the Annotated Code of
 6 Maryland be repealed.

7 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding~~
 8 ~~§ 16-305 of the Education Article or any other provision of law, the appropriations for~~
 9 ~~fiscal year 2004 required under § 16-305(e) and (f) of the Education Article shall be as~~
 10 ~~follows:~~

11	Allegany College	\$3,619,507
12	Anne Arundel Community College	20,673,189
13	Community College of Baltimore County	32,130,873
14	Carroll Community College	4,512,106
15	Cecil Community College	2,963,326
16	College of Southern Maryland	7,623,695
17	Chesapeake College	4,192,473
18	Frederick Community College	5,465,367
19	Garrett Community College	1,765,674
20	Hagerstown Junior College	4,496,836
21	Harford Community College	7,396,632
22	Howard Community College	8,193,822
23	Montgomery College	26,605,077
24	Prince George's Community College	17,913,286
25	Wor-Wie Community College	4,704,860

26 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding~~
 27 ~~§ 16-512 of the Education Article or any other provision of law, the appropriations for~~
 28 ~~fiscal year 2004 required under § 16-512 of the Education Article to Baltimore City~~
 29 ~~Community College shall be \$31,433,101.~~

30 ~~SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding~~
 31 ~~§ 17-104 of the Education Article or any other provision of law, the appropriations for~~
 32 ~~fiscal year 2004 required under § 17-104 of the Education Article shall be as follows:~~

33	Baltimore Hebrew University	\$124,411
34	Baltimore International College	577,930
35	Capitol College	568,267
36	College of Notre Dame	1,705,271
37	Columbia Union College	1,011,869
38	George Meany Center NCL	822,233
39	Goucher College	1,895,547
40	Hood College	1,161,850
41	Johns Hopkins University	17,573,143
42	Loyola College	5,480,081
43	Maryland Institute, College of Art	1,790,063
44	McDaniel College	2,849,124
45	Mount St. Mary's College	1,857,136
46	St. John's College	749,206
47	Sojourner Douglass College	1,282,758

1 — Villa Julie College ————— 2,607,344
 2 — Washington College ————— 1,692,794

3 ~~SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding the~~
 4 ~~provisions of § 14-405 of the Education Article or any other provision of law, in fiscal~~
 5 ~~year 2004 the State General Fund appropriation to St. Mary's College of Maryland~~
 6 ~~shall not exceed \$14,315,970.~~

7 ~~SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding the~~
 8 ~~provisions of § 7-325 of the State Finance and Procurement Article or any other~~
 9 ~~provision of law, in fiscal year 2004 the State General Fund appropriation to the State~~
 10 ~~Arts Council shall not exceed \$12,280,142.~~

11 SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding the
 12 provisions of Chapter 439 of the Acts of 2002 (the Budget Bill for Fiscal Year 2003),
 13 Section 29, funds appropriated to the various State departments and agencies in
 14 Comptroller object 0182 (Employee Transit Expenses), for the use of Baltimore area
 15 transit services by State employees shall not be transferred or expended for any
 16 purpose and the general fund share of all such appropriations shall revert to the
 17 General Fund of the State.

18 ~~SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding the~~
 19 ~~provisions of § 32-205 of the State Personnel and Pensions Article, in fiscal year 2004~~
 20 ~~the State shall not be required to make the employer contributions to the applicable~~
 21 ~~State supplemental plan for participating employees in the Optional Defined~~
 22 ~~Contribution System.~~

23 SECTION 8. AND BE IT FURTHER ENACTED, That the unexpended
 24 appropriations for the following purposes that were included in the fiscal year 2003
 25 operating budget (Chapter 439, Acts of 2002) are reduced by the amounts indicated
 26 below and are hereby transferred to the State General Fund:

<u>Fiscal Year</u>	<u>Program</u>	<u>Entitled</u>	<u>Amount of Reduction</u>	<u>General Funds</u>
28 2003	D25E03.01	Board of Public Works-Interagency Committee for School Construction		30,058
29 2003	F10A04.01	State Chief of Information Technology	2,200,000	
30 2003	K00A17.08	Resource Management	95,000	
31 2003	R62I00.07	Educational Grants	200,000	
32 2003	V00E01.03	Baltimore City Juvenile Justice Center	2,500,000.	

33 SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding any
 34 provision of law, State employees employed by any entity to which funds are
 35 appropriated in the State budget, including the University System of Maryland,
 36 Morgan State University, and St. Mary's College of Maryland, shall not receive
 37 bonuses related to individual performance, merit increases, or cost-of-living
 38 adjustments in fiscal year 2004. This provision shall not affect salaries for
 39 constitutional officers or members of the General Assembly or increases necessary for
 40 the retention of faculty in the University System of Maryland, Morgan State
 41 University, or St. Mary's College of Maryland.

1 SECTION 10. AND BE IT FURTHER ENACTED, That:

2 (a) Except as provided in subsection (b) of this section, no amounts may be
3 expended in fiscal year 2004 to pay increases over the rates in effect on January 17,
4 2003, for providers of nonpublic placements paid under § 8-406 of the Education
5 Article or for providers with rates set by the "Interagency Rates Committee" under §
6 8-417 of the Education Article.

7 (b) ~~Payments~~ Providers may submit requests for payment in excess of the
8 rates in effect on January 17, 2003, ~~may be made in fiscal year 2004 upon~~
9 ~~recommendation by the Subcabinet for Children, Youth, and Families and approval of~~
10 ~~the recommendation by the Secretary of Budget and Management for~~ in cases of
11 extreme financial hardship. Those requests shall be treated in the same manner as
12 rate appeals as set forth in § 8-417 of the Education Article of the Annotated Code of
13 Maryland.

14 SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding any
15 other provision of law, on or before June 30, 2003, the Governor shall transfer to the
16 General Fund:

17 \$75,000,000 of the funds in the reserve for claims against the State in the
18 Injured Workers' Insurance Fund established under § 10-104 of the Labor and
19 Employment Article;

20 \$20,583,033 and \$18,073,000 of the funds in the special fund established under
21 § 13-209 of the Tax - Property Article, representing excess actual transfer tax
22 collections for fiscal years 2002 and 2003, respectively, that would otherwise be
23 allocated to the special fund for fiscal years 2004 and 2005 as provided under §
24 13-209(f)(1) of the Tax - Property Article;

25 \$29,000,000 of the funds in the accounts of the University System of Maryland;

26 ~~\$10,000,000~~ \$18,800,000 of the funds in the Maryland Agricultural Land
27 Preservation Fund established under § 2-505 of the Agriculture Article;

28 \$1,387,090 of the funds in the Cigarette Restitution Fund established under §
29 7-317 of the State Finance and Procurement Article;

30 \$8,000,000 of the funds in the Waterway Improvement Fund established under
31 § 8-707 of the Natural Resources Article;

32 ~~\$5,000,000 of the funds in the 911 Trust Fund established under Article 41, §~~
33 ~~18-105 of the Code;~~

34 \$2,000,000 of the funds in the Homeownership Programs Fund established
35 under Article 83B, § 2-613 of the Code;

36 ~~\$2,450,000~~ \$2,550,000 of the funds in the Smart Growth Economic Development
37 Infrastructure Fund established under Article 83A, § 5-701 of the Code;

- 1 ~~\$550,000 of the funds~~ \$450,000 of the funds in the Maryland Competitive
2 Advantage Financing Fund established under Article 83A, § 5-1302 of the Code;
- 3 \$1,000,000 of the funds in the Equity Participation Investment Program Fund
4 established under Article 83A, § 5-1047 of the Code;
- 5 \$2,000,000 of the funds in the Enterprise Fund established under Article 83A, §
6 5-502 of the Code;
- 7 ~~\$2,000,000~~ \$4,000,000 of the funds in the Maryland Economic Development
8 Assistance Fund established under Article 83A, § 5-1404 of the Code;
- 9 \$2,000,000 of the funds in the account of the State Use Industries established
10 under § 3-507 of the Correctional Services Article;
- 11 \$3,000,000 of the funds in the accounts for State projects under Title 5, Subtitle
12 9 (Program Open Space) of the Natural Resources Article;
- 13 ~~\$10,225,500~~ \$23,627,500 of the funds in the account of the Major Information
14 Technology Development Fund established under § 3-410.2 of the State Finance and
15 Procurement Article;
- 16 \$661,000 of the funds in the Dedicated Purpose Fund of the State Reserve Fund
17 established under § 7-310 of the State Finance and Procurement Article which
18 constitute a portion of the funds appropriated in fiscal year 2002 for the Wilson
19 Bridge and the Metrorail Extension from Addison Road to Largo Town Center;
- 20 ~~\$327,500~~ \$250,000 of the funds in the Dedicated Purpose Fund of the State
21 Reserve Fund established under § 7-310 of the State Finance and Procurement
22 Article which constitute a portion of the funds appropriated in fiscal year 2001 for
23 consumer education of the electric utility industry restructuring;
- 24 \$10,000,000 of the funds in the Economic Development Opportunities Program
25 Fund established under § 7-314 of the State Finance and Procurement Article;
- 26 \$1,315,977 of the funds in the Vehicle Theft Prevention Fund established under
27 Article 88B, § 74 of the Code;
- 28 \$10,000,000 of the funds in the Maryland Housing Fund established under
29 Article 83B, § 3-206 of the Code;
- 30 \$78,000 of the funds in the Kidney Disease Fund established under § 13-310.1 of
31 the Health - General Article;
- 32 \$244,500 of the funds in the State Board of Physical Therapy Examiners Fund
33 established under § 13-207 of the Health Occupations Article;
- 34 \$476,500 of the funds in the Board of Physician Quality Assurance Fund
35 established under § 14-207 of the Health Occupations Article;

1 \$2,000 of the funds in the State Board of Podiatric Medical Examiners Fund
 2 established under § 16-206 of the Health Occupations Article;

3 \$12,500 of the funds in the State Board of Professional Counselors and
 4 Therapists Fund established under § 17-206 of the Health Occupations Article;

5 \$218,000 of the funds in the State Board of Social Work Examiners Fund
 6 established under § 19-206 of the Health Occupations Article;

7 \$3,000,000 of the funds in the Universal Service Trust Fund established under §
 8 3-807 of the State Finance and Procurement Article; and

9 \$1,692,000 of A total of \$1,692,000 in the aggregate from the funds in the Special
 10 Fund established under § 11-401 of the Business Regulation Article and the Racing
 11 Facility Redevelopment Bond Fund established under § 11-206 of the Business
 12 Regulation Article.

13 SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding any
 14 other provision of law, on or before June 30, 2004, the Governor shall transfer to the
 15 General Fund:

16 ~~\$10,000,000~~ \$11,000,000 of the funds in the Waterway Improvement Fund
 17 established under § 8-707 of the Natural Resources Article;

18 ~~\$3,000,000 of the funds in the Uninsured Division of the Maryland Automobile~~
 19 ~~Insurance Fund established under § 20-201 of the Insurance Article;~~

20 \$2,000,000 of the funds in the account of the State Use Industries established
 21 under § 3-507 of the Correctional Services Article;

22 ~~\$500,000 of the funds in the account of the Maryland Affordable Housing Trust~~
 23 ~~established under Article 83B, § 11-102 of the Code;~~

24 ~~\$393,100~~ ~~\$243,100~~ \$393,100 of the funds in the Special Fund established under
 25 § 11-401 of the Business Regulation Article;

26 ~~\$150,000 of the funds in the Special Fund established under § 11-401 of the~~
 27 ~~Business Regulation Article, contingent on the failure of House Bill 1149.;~~

28 ~~\$1,602,311~~ \$1,361,156 of the funds in the Vehicle Theft Prevention Fund
 29 established under Article 88B, § 74 of the Code; and

30 Any balance remaining in the account of the Maryland Higher Education
 31 Supplemental Loan Authority.

32 SECTION 13. AND BE IT FURTHER ENACTED, That in fiscal year 2004, if
 33 the amount of State lottery proceeds paid to the General Fund in fiscal year 2003 is
 34 less than \$441,991,000, then the Governor may transfer from the unclaimed prize
 35 fund established in § 9-122 of the State Government Article to the General Fund the
 36 lesser of:

1 (a) ~~The difference between the amount of State lottery proceeds paid to the~~
 2 ~~General Fund in fiscal year 2003 and \$441,991,000; or~~

3 (b) ~~\$10,000,000.~~

4 SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding any
 5 other provision of law:

6 (a) For fiscal 2004, ~~\$6,000,000~~ \$5,000,000 of the balance of the Maryland
 7 Emergency Medical System Operations Fund established under § 13-955 of the
 8 Transportation Article may be transferred by approved budget amendment to the Low
 9 Interest Revolving Loan Account established under Article 38A, § 46E of the
 10 Annotated Code of Maryland.

11 (b) If the transfer authorized under subsection (a) of this section is not made
 12 for fiscal 2004, the Governor shall include in the fiscal 2005 annual budget bill a
 13 special fund appropriation from the Maryland Emergency Medical System
 14 Operations Fund to the Low Interest Revolving Loan Account in the amount of
 15 ~~\$6,000,000~~ \$5,000,000.

16 (c) For each of the first ~~6~~ 5 fiscal years beginning with the fiscal year after the
 17 fiscal year for which the transfer is made under subsection (a) of this section or the
 18 appropriation under subsection (b) of this section is included in the annual budget,
 19 \$1,000,000 of the funds in the Low Interest Revolving Loan Account shall be
 20 transferred to the Maryland Emergency Medical System Operations Fund.

21 (d) For fiscal year 2004 only, \$403,744 of the funds in the Maryland Emergency
 22 Medical System Operations Fund established under § 13-955 of the Transportation
 23 Article may be transferred by approved budget amendment to the Emergency
 24 Assistance Trust Account established under Article 38A, § 46A of the Code and used for
 25 the authorized purposes of the Emergency Assistance Trust Account.

26 SECTION 14. AND BE IT FURTHER ENACTED, That:

27 (a) For fiscal year 2004, prior to making the reimbursements required under §
 28 9-104(q) of the Tax - Property Article, the Department of Assessments and Taxation
 29 shall deduct from the funds due each county the following amounts to reimburse a
 30 portion of the State's cost of property tax administration:

31	<u>Allegany</u>	<u>\$77,328</u>
32	<u>Anne Arundel</u>	<u>1,054,330</u>
33	<u>Baltimore City</u>	<u>564,840</u>
34	<u>Baltimore County</u>	<u>1,312,406</u>
35	<u>Calvert</u>	<u>176,951</u>
36	<u>Caroline</u>	<u>38,820</u>
37	<u>Carroll</u>	<u>283,760</u>
38	<u>Cecil</u>	<u>144,585</u>
39	<u>Charles</u>	<u>241,950</u>
40	<u>Dorchester</u>	<u>46,104</u>
41	<u>Frederick</u>	<u>388,249</u>
42	<u>Garrett</u>	<u>58,536</u>

1	<u>Harford</u>	<u>379,418</u>
2	<u>Howard</u>	<u>638,601</u>
3	<u>Kent</u>	<u>40,879</u>
4	<u>Montgomery</u>	<u>2,419,823</u>
5	<u>Prince George's</u>	<u>1,233,298</u>
6	<u>Queen Anne's</u>	<u>98,138</u>
7	<u>St. Mary's</u>	<u>154,180</u>
8	<u>Somerset</u>	<u>21,574</u>
9	<u>Talbot</u>	<u>110,398</u>
10	<u>Washington</u>	<u>202,367</u>
11	<u>Wicomico</u>	<u>116,555</u>
12	<u>Worcester</u>	<u>196,910</u>
13	<u>Allegany</u>	<u>\$77</u>
14	<u>Anne Arundel</u>	<u>1,054</u>
15	<u>Baltimore City</u>	<u>565</u>
16	<u>Baltimore County</u>	<u>1,312</u>
17	<u>Calvert</u>	<u>177</u>
18	<u>Caroline</u>	<u>39</u>
19	<u>Carroll</u>	<u>284</u>
20	<u>Cecil</u>	<u>145</u>
21	<u>Charles</u>	<u>242</u>
22	<u>Dorchester</u>	<u>46</u>
23	<u>Frederick</u>	<u>388</u>
24	<u>Garrett</u>	<u>59</u>
25	<u>Harford</u>	<u>379</u>
26	<u>Howard</u>	<u>639</u>
27	<u>Kent</u>	<u>41</u>
28	<u>Montgomery</u>	<u>2,420</u>
29	<u>Prince George's</u>	<u>1,233</u>
30	<u>Queen Anne's</u>	<u>98</u>
31	<u>St. Mary's</u>	<u>154</u>
32	<u>Somerset</u>	<u>22</u>
33	<u>Talbot</u>	<u>110</u>
34	<u>Washington</u>	<u>202</u>
35	<u>Wicomico</u>	<u>117</u>
36	<u>Worcester</u>	<u>197</u>

37 *(b) For fiscal year 2004, prior to making the reimbursements required under §*
38 *9-104(q) of the Tax - Property Article, in addition to the amounts deducted under*
39 *subsection (a) of this section, the Department of Assessments and Taxation shall*
40 *deduct from the funds due each county the following amounts:*

41	<u>Allegany</u>	<u>\$282,638</u>
42	<u>Anne Arundel</u>	<u>767,815</u>
43	<u>Baltimore City</u>	<u>765,109</u>
44	<u>Baltimore County</u>	<u>1,228,974</u>
45	<u>Calvert</u>	<u>204,990</u>
46	<u>Caroline</u>	<u>139,707</u>
47	<u>Carroll</u>	<u>347,711</u>
48	<u>Cecil</u>	<u>189,300</u>
49	<u>Charles</u>	<u>285,310</u>
50	<u>Dorchester</u>	<u>153,908</u>

1	<u>Frederick</u>	<u>409,523</u>
2	<u>Garrett</u>	<u>182,746</u>
3	<u>Harford</u>	<u>371,394</u>
4	<u>Howard</u>	<u>373,895</u>
5	<u>Kent</u>	<u>143,334</u>
6	<u>Montgomery</u>	<u>1,311,547</u>
7	<u>Prince George's</u>	<u>1,160,482</u>
8	<u>Queen Anne's</u>	<u>159,251</u>
9	<u>St. Mary's</u>	<u>236,191</u>
10	<u>Somerset</u>	<u>157,861</u>
11	<u>Talbot</u>	<u>190,636</u>
12	<u>Washington</u>	<u>356,941</u>
13	<u>Wicomico</u>	<u>273,291</u>
14	<u>Worcester</u>	<u>307,446</u>

15 ~~(b)~~ (c) If ~~any amount in subsection (a)~~ the total amount deducted under
 16 subsections (a) and (b) of this section exceeds the amount of funds due to a county for
 17 reimbursement of tax credit payments, no additional payment shall be required from
 18 the county under this section.

19 ~~(e)~~ (d) Notwithstanding § 9-104(a-1) of the Tax - Property Article, the
 20 Governor shall not be required to include in the fiscal year 2005 budget bill a
 21 deficiency appropriation for any tax credit reimbursements to counties for fiscal year
 22 2004.

23 SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any
 24 other provision of law, for fiscal year 2004 only, \$8,232,636 of the funds in the Joseph
 25 Fund of the State Reserve Fund established under § 7-327 of the State Finance and
 26 Procurement Article may be transferred to the Department of Human Resources for
 27 child welfare services provided by local departments of social services.

28 SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding
 29 anything to the contrary in § 8-403 of the Transportation Article or any other
 30 provision of State law, for fiscal years 2003, 2004, and 2005, only: (a) the amount to be
 31 distributed under § 8-403(b) of the Transportation Article shall be reduced by
 32 \$17,949,407 for fiscal year 2003 ~~and \$102,440,128 for fiscal years 2004 and 2005,~~
 33 \$102,440,128 for fiscal year 2004, and \$51,220,064 for fiscal year 2005 and those
 34 amounts shall be distributed to the General Fund; and (b) the amount to be
 35 distributed to Baltimore City under § 8-403(a) of the Transportation Article shall be
 36 limited to \$171,817,132 in fiscal year 2003 and \$170,000,000 in each of fiscal years
 37 2004 and 2005.

38 SECTION 17. AND BE IT FURTHER ENACTED, That, notwithstanding the
 39 provisions of § 8-402 of the Transportation Article or any other provision of law, ~~in~~
 40 ~~each of fiscal years 2003 and 2004, \$150,000,000 of~~ from motor vehicle registration
 41 revenues and other user fees from the Motor Vehicle Administration, \$160,000,000 for
 42 fiscal year 2003 and \$154,913,000 for fiscal year 2004 shall be deposited in the
 43 General Fund rather than in the Gasoline and Motor Vehicle Revenue Account of the
 44 Transportation Trust Fund or the Transportation Trust Fund, respectively. On or
 45 before December 1, 2003, the Governor shall submit a plan for replacement of funds

1 transferred under this Act from the Transportation Trust Fund to the General Fund.
2 The plan required under this section shall be provided to the Senate Budget and
3 Taxation Committee, the House Committee on Ways and Means, and the House
4 Appropriations Committee. Notwithstanding the provisions of this section and except
5 as provided in Section 16 of this Act, the calculation of the local share of highway user
6 revenues pursuant to § 8-403 of the Transportation Article shall not be affected and
7 the total amount of highway user revenues for the purpose of such calculation shall be
8 calculated in accordance with the provisions of law in effect prior to the passage of
9 this Act.

10 SECTION 18. AND BE IT FURTHER ENACTED, That, notwithstanding the
11 provisions of Chapter 440 of the Acts of 2002 or any other provision of law, the amount
12 to be transferred in fiscal year 2003 from the Racing Facility Redevelopment Bond
13 Fund established under § 11-1206 of the Business Regulation Article shall be
14 \$2,211,284.

15 SECTION 19. AND BE IT FURTHER ENACTED, That Section(s) 5-1301
16 through 5-1305 and the subtitle "Subtitle 13. Maryland Competitive Advantage
17 Financing Fund" of Article 83A - Department of Business and Economic Development
18 of the Annotated Code of Maryland be repealed.

19 SECTION 20. AND BE IT FURTHER ENACTED, That, notwithstanding any
20 other provision of law, for fiscal year 2004 only, \$2,300,000 of the funds in the
21 Maryland Affordable Housing Trust Fund established under Article 88B, § 11-102 of
22 the Code shall be used to support rent subsidy payments under the Rental Allowance
23 Program and to support grants under the Self-Help Ownership Program as provided
24 in the State budget.

25 SECTION 21. AND BE IT FURTHER ENACTED, That, notwithstanding any
26 other provision of law, for fiscal year 2004 only, \$1,000,000 of the funds in the reserve
27 for claims against the State in the Injured Workers' Insurance Fund established under
28 § 10-104 of the Labor and Employment Article may be transferred by approved budget
29 amendment and used for the deployment of enhanced agency risk management
30 services and the development of safety incentive grants.

31 ~~SECTION 20.~~ SECTION 22. AND BE IT FURTHER ENACTED, That,
32 notwithstanding § 17-103(b)(3) of the Education Article, as enacted by Section 1 of
33 this Act:

34 (a) For fiscal year 2004 only, an institution of higher education that is not
35 accredited by the Commission on Higher Education of the Middle States Association of
36 Colleges and Schools but that otherwise qualifies for State aid under Title 17, Subtitle
37 1 of the Education Article may qualify for State aid under that subtitle if the
38 institution of higher education:

39 (1) has been a candidate for accreditation since on or before July 1, 1999;

40 (2) is subject to an affirmative action plan approved by the Maryland
41 Higher Education Commission; and

1 (3) is authorized by the Maryland Higher Education Commission for
2 participation in the program established under this subtitle.

3 (b) For fiscal year 2005, an institution of higher education described in
4 subsection (a) of this section may not qualify for State aid under Title 17, Subtitle 1 of
5 the Education Article unless the institution of higher education becomes accredited by
6 the Commission on Higher Education of the Middle States Association of Colleges and
7 Schools on or before September 1, 2004.

8 SECTION 23. AND BE IT FURTHER ENACTED, That the Department of
9 Health and Mental Hygiene shall report to the Governor and the General Assembly in
10 accordance with § 2-1246 of the State Government Article by December 1, 2003 on
11 the Department's methodology for calculating the base amount of funding for each
12 county and Baltimore City for the tobacco and cancer initiatives funded by the
13 Cigarette Restitution Fund as required under §§ 13-1007(b)(1) and 13-1108(b)(1) of
14 the Health - General Article as enacted under Section 1 of this Act.

15 SECTION 24. AND BE IT FURTHER ENACTED, That the Laws of Maryland
16 read as follows:

17 **Article 83B - Department of Housing and Community Development**

18 5-801.

19 (1) (1) FROM FEBRUARY 1, 2003 THROUGH DECEMBER 31, 2003, THE
20 DIRECTOR MAY NOT APPROVE PLANS OF PROPOSED REHABILITATIONS REFLECTING
21 PROPOSED REHABILITATION EXPENDITURES FOR COMMERCIAL PROJECTS IN THE
22 AGGREGATE IN AN AMOUNT GREATER THAN THE AMOUNT OF EXPENDITURES THAT
23 IF COMPLETED WOULD RESULT IN CREDITS TOTALING \$23,000,000 FOR ALL
24 COMMERCIAL PROJECTS FOR WHICH PLANS OF PROPOSED REHABILITATION ARE
25 APPROVED DURING THAT PERIOD.

26 (2) IN CALENDAR YEAR 2004, THE DIRECTOR MAY NOT APPROVE PLANS
27 OF PROPOSED REHABILITATIONS REFLECTING PROPOSED REHABILITATION
28 EXPENDITURES FOR COMMERCIAL PROJECTS IN THE AGGREGATE IN AN AMOUNT
29 GREATER THAN THE AMOUNT OF EXPENDITURES THAT IF COMPLETED WOULD
30 RESULT IN CREDITS TOTALING \$15,000,000 FOR ALL COMMERCIAL PROJECTS FOR
31 WHICH PLANS OF PROPOSED REHABILITATION ARE APPROVED IN THAT YEAR.

32 (3) IN EACH CALENDAR YEAR, SUBJECT TO REGULATIONS THAT THE
33 DIRECTOR ADOPTS, THE DIRECTOR SHALL APPROVE PLANS OF PROPOSED
34 REHABILITATIONS ON A FIRST-COME, FIRST SERVED BASIS.

35 (4) IF A PERSON SUBMITS A PROPOSED REHABILITATION PLAN THAT IS
36 NOT APPROVED IN A CALENDAR YEAR AS PROVIDED UNDER THIS SECTION, THE
37 PERSON MAY REAPPLY IN THE NEXT CALENDAR YEAR.

Article - Business Occupations and Professions

1-204.

(A) Before any license or permit may be issued [or renewed] under this article, the applicant shall certify to the issuing authority that the applicant has paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Department of Labor, Licensing, and Regulation or has provided for payment in a manner satisfactory to the unit responsible for collection.

(B) BEFORE ANY LICENSE OR PERMIT MAY BE RENEWED UNDER THIS ARTICLE, THE ISSUING AUTHORITY SHALL VERIFY THROUGH THE OFFICE OF THE COMPTROLLER THAT THE APPLICANT HAS PAID ALL UNDISPUTED TAXES AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR THAT THE APPLICANT HAS PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT RESPONSIBLE FOR COLLECTION.

Article - Business Regulation

1-210.

(A) A LICENSE OR PERMIT IS CONSIDERED RENEWED FOR PURPOSES OF THIS SECTION IF THE LICENSE OR PERMIT IS ISSUED BY A UNIT OF STATE GOVERNMENT TO A PERSON FOR THE PERIOD IMMEDIATELY FOLLOWING A PERIOD FOR WHICH THE PERSON PREVIOUSLY POSSESSED THE SAME OR A SUBSTANTIALLY SIMILAR LICENSE.

(B) BEFORE ANY LICENSE OR PERMIT MAY BE RENEWED UNDER THIS ARTICLE, THE ISSUING AUTHORITY SHALL VERIFY THROUGH THE OFFICE OF THE COMPTROLLER THAT THE APPLICANT HAS PAID ALL UNDISPUTED TAXES AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR THAT THE APPLICANT HAS PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT RESPONSIBLE FOR COLLECTION.

Article - Commercial Law

9-525.

(a) Except as otherwise provided in subsection (c), the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in § 9-502(c), is:

(1) [\$20] \$25 if the record is communicated in writing and consists of eight or fewer pages;

(2) \$75 if the record is communicated in writing and consists of more than eight pages; and

1 (3) [\$20] \$25 if the record is communicated by another medium
 2 authorized by filing-office rule.

3 (b) The number of names required to be indexed does not affect the amount of
 4 the fee in subsection (a).

5 (c) This section does not require a fee with respect to a record of a mortgage
 6 which is effective as a financing statement filed as a fixture filing or as a financing
 7 statement covering as-extracted collateral or timber to be cut under § 9-502(c).
 8 However, the recording and satisfaction fees that otherwise would be applicable to the
 9 record of the mortgage apply.

10 Article - Corporations and Associations

11 1-203.

12 (A) In addition to any organization and capitalization fee required under §
 13 1-204 of this article, the Department shall collect the following fees:

14 (B) (1) For each of the following documents, the recording fee is [\$20 and the
 15 filing or special fee is as indicated] \$100:

<u>Document</u>	<u>[Filing or Special Fee]</u>
<u>Articles of incorporation</u>	<u>[none]</u>
<u>Articles of amendment</u>	<u>[none]</u>
<u>Articles of extension</u>	<u>[none]</u>
<u>Articles of restatement of charter</u>	<u>[none]</u>
<u>Articles of amendment and restatement</u>	<u>[none]</u>
<u>Articles supplementary</u>	<u>[none]</u>
<u>Articles of share exchange</u>	<u>[none]</u>
<u>Articles of consolidation, merger, or transfer</u>	<u>[\$4 for each certificate]</u>
<u>Articles of dissolution</u>	<u>[\$30</u>
	<u>(which includes the cost of</u>
	<u>publication of the notice by</u>
	<u>the Department)]</u>
<u>Articles of revival for stock corporation</u>	<u>[\$30]</u>
<u>Articles of revival for nonstock corporation</u>	<u>[\$10]</u>

32 (2) For each of the following documents, the recording fee is [\$10] \$25:

33 (i) Notice of change of address of principal office;

34 (ii) Notice of change of name or address of resident agent;

35 (iii) Certificate of correction; and

36 (iv) Any other documents.

- 1 (3) For each of the following documents which are filed but not recorded,
2 the filing fee is as indicated:
- 3 Reservation of a corporate, limited partnership, limited liability partnership or limited
4 liability company name [\$7] \$25
- 5 Original registration of name of a foreign corporation to end of calendar
6 year..... [\$50] \$100
- 7 Renewal of registration of name of a foreign corporation for one calendar
8 year..... [\$50] \$100
- 9 Documents in connection with the qualification of a foreign corporation to do
10 intrastate business in this State [\$50] \$100
- 11 Application for registration of a foreign limited partnership, a foreign limited liability
12 partnership, or a foreign limited liability company [\$50] \$100
- 13 Annual report of a Maryland corporation, except a charitable or benevolent institution,
14 nonstock corporation, savings and loan corporation, credit union, and banking
15 institution [\$100] \$300
- 16 Annual report of a foreign corporation subject to the jurisdiction of this State, except
17 an insurance company which pays an annual filing fee of \$25 to the Insurance
18 Commissioner, national banking association, savings and loan association, credit
19 union, nonstock corporation, and charitable and benevolent institution [\$100] \$300
- 20 Annual report of a Maryland savings and loan association, banking institution, or
21 credit union or of a foreign savings and loan association, national banking
22 association, or credit union that is subject to the jurisdiction of this State [\$100] \$300
- 23 ANNUAL REPORT OF A MARYLAND LIMITED LIABILITY COMPANY, LIMITED LIABILITY
24 PARTNERSHIP, LIMITED PARTNERSHIP, OR OF A FOREIGN LIMITED LIABILITY
25 COMPANY, FOREIGN LIMITED LIABILITY PARTNERSHIP, OR FOREIGN LIMITED
26 PARTNERSHIP \$300
- 27 Annual report of a real estate investment trust doing business in this
28 State [\$25] \$300
- 29 Other documents \$6
- 30 (4) For each of the following documents recorded or filed the fee
31 is [\$50] \$100:
- 32 (i) Certificate of limited partnership, certificate of limited liability
33 partnership, articles of organization of a limited liability company, certificate of trust
34 of a business trust, including certificates of amendment and certificates of
35 cancellation, certificates of reinstatement, and articles of reinstatement; and
- 36 (ii) Any statement filed by a partnership under Title 9 of this article.

- 1 (5) For issuing each of the following certificates, the fee is as indicated:
- 2 Type of Instrument Special Fee
- 3 Certificate of status of a corporation, partnership, limited partnership, limited liability
4 partnership, or limited liability company of this State or of a foreign corporation,
5 foreign partnership, foreign limited partnership, foreign limited liability partnership,
6 or foreign limited liability company [~~\$6~~] \$20
- 7 Certified list of the charter papers of a corporation of this State or any certificates of a
8 limited partnership, limited liability partnership, or a limited liability company of this
9 State recorded or filed with the Department [~~\$6~~] \$20
- 10 Certificate of compliance by a foreign corporation, foreign limited partnership, foreign
11 limited liability partnership, or foreign limited liability company with requirements of
12 law in respect of qualification or registration [~~\$6~~] \$20
- 13 Certificate of withdrawal of registration or qualification [~~\$6~~] \$20
- 14 Certificate of any paper recorded or filed in the Department's office [~~\$6~~] \$20
- 15 (6) For a duplicate of a certificate mentioned in subsection (5) of this
16 section which is issued at the same time as the original, the fee is \$1, and for a copy of
17 any other paper recorded or filed with the Department, the fee is \$1 per page.
- 18 (7) (i) For acceptance of service of process or notice on the Department,
19 the Department shall charge a fee of [~~\$15~~] \$50.
- 20 (ii) Each county and Baltimore City is exempt from the fee under
21 paragraph (7)(i) of this section.
- 22 (8) For processing each of the following documents on an expedited basis,
23 the additional fee is as indicated:
- 24 Recording any document, including financing statements \$50
- 25 Certificate of status of a corporation, partnership, limited partnership, limited liability
26 partnership, or limited liability company, or a name reservation [~~\$9~~] \$20
- 27 A copy of any document recorded or filed with the Department, or a corporate
28 abstract \$20
- 29 1-406.
- 30 (e) The Department of Assessments and Taxation shall charge and receive a fee
31 of:
- 32 (1) [~~\$10~~] \$25 for recording the certificates under this section; AND
- 33 (2) [~~\$1~~] for each name to be indexed; and

1 (3) \$12] \$25 for each amendment, cancellation, or renewal of a
 2 certificate.

3 8-403.

4 (a) [(1) Except for annual report filing fees, a] A real estate investment trust
 5 shall pay the fees required under §§ 1-203 and 1-204 of this article.

6 [(2)] (B) To compute fees under this section, a real estate investment trust
 7 shall treat certificates of beneficial interest as if they were shares of stock in a
 8 corporation.

9 [(b) A real estate investment trust shall pay an annual report filing fee of \$25.]

10 **Article - Environment**

11 1-203.

12 (A) A LICENSE OR PERMIT IS CONSIDERED RENEWED FOR PURPOSES OF THIS
 13 SECTION IF THE LICENSE OR PERMIT IS ISSUED BY A UNIT OF STATE GOVERNMENT
 14 TO A PERSON FOR THE PERIOD IMMEDIATELY FOLLOWING A PERIOD FOR WHICH
 15 THE PERSON PREVIOUSLY POSSESSED THE SAME OR A SUBSTANTIALLY SIMILAR
 16 LICENSE.

17 (B) BEFORE ANY LICENSE OR PERMIT MAY BE RENEWED UNDER THIS
 18 ARTICLE, THE ISSUING AUTHORITY SHALL VERIFY THROUGH THE OFFICE OF THE
 19 COMPTROLLER THAT THE APPLICANT HAS PAID ALL UNDISPUTED TAXES AND
 20 UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR
 21 THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR THAT THE APPLICANT
 22 HAS PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT
 23 RESPONSIBLE FOR COLLECTION.

24 **Article - Financial Institutions**

25 1-302.

26 Except as otherwise expressly provided in this subtitle, a fiduciary institution, its
 27 officers, employees, agents, and directors:

28 (1) May not disclose to any person any financial record relating to a
 29 customer of the institution unless:

30 (i) The customer has authorized the disclosure to that person;

31 (ii) Proceedings have been instituted for appointment of a guardian
 32 of the property or of the person of the customer, and court-appointed counsel presents
 33 to the fiduciary institution an order of appointment or a certified copy of the order
 34 issued by or under the direction or supervision of the court or an officer of the court;

1 (iii) The customer is disabled and a guardian is appointed or
 2 qualified by a court, and the guardian presents to the fiduciary institution an order of
 3 appointment or a certified copy of the order issued by or under the direction or
 4 supervision of the court or an officer of the court;

5 (iv) The customer is deceased and a personal representative is
 6 appointed or qualified by a court, and the personal representative presents to the
 7 fiduciary institution letters of administration issued by or under the direction or
 8 supervision of the court or an officer of the court;

9 (v) The Department of Human Resources requests the financial
 10 record in the course of verifying the individual's eligibility for public assistance; [or]

11 (vi) The institution received a request, notice, or subpoena for
 12 information directly from the Child Support Enforcement Administration of the
 13 Department of Human Resources under § 10-108.2, § 10-108.3, or § 10-108.5 of the
 14 Family Law Article or indirectly through the Federal Parent Locator Service under 42
 15 U.S.C. § 666(a)(17); [and] OR

16 (VII) THE INSTITUTION RECEIVED A REQUEST, NOTICE, OR
 17 SUBPOENA FOR INFORMATION DIRECTLY FROM THE COMPTROLLER UNDER § 13-804
 18 OR § 13-812 OF THE TAX - GENERAL ARTICLE;

19 (2) Shall disclose any information requested in writing by the
 20 Department of Human Resources relative to moneys held in a savings deposit, time
 21 deposit, demand deposit, or any other deposit held by the fiduciary institution in the
 22 name of the individual who is a recipient or applicant for public assistance; AND

23 (3) SHALL DISCLOSE ANY INFORMATION REQUESTED IN WRITING BY
 24 THE COMPTROLLER RELATIVE TO MONEYS HELD IN A SAVINGS DEPOSIT, TIME
 25 DEPOSIT, DEMAND DEPOSIT, OR ANY OTHER DEPOSIT HELD BY THE FIDUCIARY
 26 INSTITUTION IN THE NAME OF AN INDIVIDUAL WHOSE PROPERTY IS SUBJECT TO A
 27 TAX LIEN.

28 1-303.

29 This subtitle does not prohibit:

30 (1) The preparation, examination, handling, or maintenance of financial
 31 records by any officer, employee, or agent of a fiduciary institution that has custody of
 32 the records;

33 (2) The examination of financial records by a certified public accountant
 34 while engaged by a fiduciary institution to perform an independent audit;

35 (3) The examination of financial records by, or the disclosure of financial
 36 records to, any officer, employee, or agent of a supervisory agency for use only in the
 37 exercise of that person's duties as an officer, employee, or agent;

1 TO A PERSON FOR THE PERIOD IMMEDIATELY FOLLOWING A PERIOD FOR WHICH
2 THE PERSON PREVIOUSLY POSSESSED THE SAME OR A SUBSTANTIALLY SIMILAR
3 LICENSE.

4 (B) BEFORE ANY LICENSE OR PERMIT MAY BE RENEWED UNDER THIS
5 ARTICLE, THE ISSUING AUTHORITY SHALL VERIFY THROUGH THE OFFICE OF THE
6 COMPTROLLER THAT THE APPLICANT HAS PAID ALL UNDISPUTED TAXES AND
7 UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR
8 THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR THAT THE APPLICANT
9 HAS PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT
10 RESPONSIBLE FOR COLLECTION.

11 Article - Natural Resources

12 1-402.

13 (A) A LICENSE OR PERMIT IS CONSIDERED RENEWED FOR PURPOSES OF THIS
14 SECTION IF THE LICENSE OR PERMIT IS ISSUED BY A UNIT OF STATE GOVERNMENT
15 TO A PERSON FOR THE PERIOD IMMEDIATELY FOLLOWING A PERIOD FOR WHICH
16 THE PERSON PREVIOUSLY POSSESSED THE SAME OR A SUBSTANTIALLY SIMILAR
17 LICENSE.

18 (B) BEFORE ANY LICENSE OR PERMIT MAY BE RENEWED UNDER THIS
19 ARTICLE, THE ISSUING AUTHORITY SHALL VERIFY THROUGH THE OFFICE OF THE
20 COMPTROLLER THAT THE APPLICANT HAS PAID ALL UNDISPUTED TAXES AND
21 UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR
22 THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR THAT THE APPLICANT
23 HAS PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT
24 RESPONSIBLE FOR COLLECTION.

25 Article - Tax - General

26 1-205.

27 (A) A LICENSE OR PERMIT IS CONSIDERED RENEWED FOR PURPOSES OF THIS
28 SECTION IF THE LICENSE OR PERMIT IS ISSUED BY A UNIT OF STATE GOVERNMENT
29 TO A PERSON FOR THE PERIOD IMMEDIATELY FOLLOWING A PERIOD FOR WHICH
30 THE PERSON PREVIOUSLY POSSESSED THE SAME OR A SUBSTANTIALLY SIMILAR
31 LICENSE.

32 (B) BEFORE ANY LICENSE OR PERMIT ISSUED BY THE COMPTROLLER MAY BE
33 RENEWED, THE COMPTROLLER SHALL VERIFY THAT THE APPLICANT HAS PAID ALL
34 UNDISPUTED TAXES AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE
35 TO THE COMPTROLLER OR THE SECRETARY OF LABOR, LICENSING, AND
36 REGULATION OR THAT THE APPLICANT HAS PROVIDED FOR PAYMENT IN A MANNER
37 SATISFACTORY TO THE UNIT RESPONSIBLE FOR COLLECTION.

1 2-106.

2 (c) (3) The total amounts required under the tables to be withheld during a
 3 taxable year shall approximate[, as closely as possible,] the total [State] income tax
 4 due on the wages for the year, DETERMINED AS PROVIDED IN SUBSECTION (F) OF THIS
 5 SECTION.

6 (d) (3) The total percentages required under the schedules to be withheld
 7 during a taxable year shall approximate[, as closely as possible,] the [State] income
 8 tax due on the wages for the year, DETERMINED AS PROVIDED IN SUBSECTION (F) OF
 9 THIS SECTION.

10 (F) THE TOTAL INCOME TAX REQUIRED TO BE WITHHELD ON WAGES FOR
 11 PURPOSES OF THE WITHHOLDING TABLES AND WITHHOLDING SCHEDULES UNDER
 12 THIS SECTION SHALL BE CALCULATED WITHOUT REGARD TO THE STATE INCOME
 13 TAX RATES SET FORTH UNDER § 10-105(A)(1) THROUGH (3) OF THIS ARTICLE.

14 10-822.

15 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, each
 16 person required under § 10-906 of this title to withhold income tax shall complete and
 17 file with the Comptroller a quarterly income tax withholding return, on or before the
 18 last day of the month that follows the calendar quarter in which that income tax was
 19 withheld.

20 (2) [If] SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF the person
 21 reasonably expects the total amount of income tax required to be withheld in a
 22 quarterly period to be \$700 or more, instead of a quarterly income tax withholding
 23 return the person shall complete and file with the Comptroller a monthly income tax
 24 withholding return:

25 (i) for the month of January, on or before February 15;

26 (ii) for the month of February, on or before March 15;

27 (iii) for the month of March, on or before April [30] 15;

28 (iv) for the month of April, on or before May 15;

29 (v) for the month of May, on or before June 15;

30 (vi) for the month of June, on or before July [31] 15;

31 (vii) for the month of July, on or before August 15;

32 (viii) for the month of August, on or before September 15;

33 (ix) for the month of September, on or before October [31] 15;

34 (x) for the month of October, on or before November 15;

1 (xi) for the month of November, on or before December 15; and

2 (xii) for the month of December, on or before January [31] 15.

3 (3) If the person reasonably expects the total amount of income tax
 4 required to be withheld in a calendar year to be less than \$250 instead of a quarterly
 5 income tax withholding return the person shall complete and file with the Comptroller
 6 an annual income tax withholding return on or before January 31 that follows that
 7 calendar year.

8 (B) IF A PERSON WAS REQUIRED TO WITHHOLD \$15,000 OR MORE FOR THE
 9 PRECEDING CALENDAR YEAR, THE PERSON SHALL COMPLETE AND FILE AN INCOME
 10 TAX WITHHOLDING RETURN WITH THE COMPTROLLER WITHIN 3 BUSINESS DAYS
 11 FOLLOWING EACH PAYROLL THAT CAUSES THE TOTAL ACCUMULATED TAX
 12 WITHHELD TO EQUAL OR EXCEED \$700.

13 [(b)] (C) (1) A person required to file a quarterly or monthly income tax
 14 withholding return shall continue to file returns, whether or not the person is
 15 withholding any income tax, until the person gives the Comptroller written notice that
 16 the person no longer has employees or no longer is liable to file the return.

17 (2) A PERSON REQUIRED TO FILE RETURNS UNDER SUBSECTION (B) OF
 18 THIS SECTION SHALL FILE A RETURN AT LEAST ONCE EVERY 3 MONTHS UNTIL THE
 19 PERSON GIVES THE COMPTROLLER WRITTEN NOTICE THAT THE PERSON NO
 20 LONGER HAS EMPLOYEES OR NO LONGER IS LIABLE TO FILE THE RETURN.

21 [(c)] A person who files a written request to change to a quarterly return filing
 22 because the person withholds less than \$700 each quarter may be allowed to change to
 23 a quarterly basis at the beginning of the calendar year after the request.]

24 (D) EACH PERSON REQUIRED TO FILE A RETURN UNDER THIS SECTION
 25 SHALL FILE RETURNS FOR OTHER PERIODS AND ON OTHER DATES AS THE
 26 COMPTROLLER SPECIFIES BY REGULATION, INCLUDING PERIODS IN WHICH THE
 27 PERSON DOES NOT PAY WAGES SUBJECT TO WITHHOLDING.

28 10-905.

29 (e) "Wagering" includes:

30 (1) any lottery, including the State lottery; AND

31 (2) ANY PARI-MUTUEL WAGERING, INCLUDING ANY PARI-MUTUEL
 32 WAGERING CONDUCTED UNDER TITLE 11 OF THE BUSINESS REGULATION ARTICLE.

33 10-910.

34 (b) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
 35 AN employer shall base withholding for an employee:

1 [(1)] (I) on the number of exemptions stated in the exemption certificate
2 that the employee files; or

3 [(2)] (II) if the employee fails to file an exemption certificate or files an
4 invalid certificate under subsection (c) of this section, on 1 exemption.

5 (2) IF THE COMPTROLLER NOTIFIES AN EMPLOYER THAT AN EMPLOYEE
6 HAS AN UNPAID TAX LIABILITY, THE EMPLOYER SHALL BASE WITHHOLDING FOR
7 THE EMPLOYEE ON A NUMBER OF EXEMPTIONS NOT EXCEEDING THE ACTUAL
8 NUMBER OF EXEMPTIONS ALLOWED ON THE EMPLOYEE'S PRIOR YEAR'S INCOME
9 TAX RETURN, AS SPECIFIED BY THE COMPTROLLER.

10 10-912.

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (2) "NET PROCEEDS" MEANS THE TOTAL SALES PRICE PAID TO THE
14 TRANSFEROR LESS:

15 (I) DEBTS OF THE TRANSFEROR SECURED BY A MORTGAGE OR
16 OTHER LIEN ON THE PROPERTY BEING TRANSFERRED THAT ARE BEING PAID UPON
17 THE SALE OR EXCHANGE OF THE PROPERTY; AND

18 (II) OTHER EXPENSES OF THE TRANSFEROR ARISING OUT OF THE
19 SALE OR EXCHANGE OF THE PROPERTY AND DISCLOSED ON A SETTLEMENT
20 STATEMENT PREPARED IN CONNECTION WITH THE SALE OR EXCHANGE OF THE
21 PROPERTY.

22 (3) "NONRESIDENT ENTITY" MEANS AN ENTITY THAT:

23 (I) IS NOT FORMED UNDER THE LAWS OF THE STATE; AND

24 (II) IS NOT QUALIFIED BY OR REGISTERED WITH THE
25 DEPARTMENT OF ASSESSMENTS AND TAXATION TO DO BUSINESS IN THE STATE.

26 (4) "RESIDENT ENTITY" MEANS AN ENTITY THAT:

27 (I) IS FORMED UNDER THE LAWS OF THE STATE; OR

28 (II) IS FORMED UNDER THE LAWS OF ANOTHER STATE AND IS
29 QUALIFIED BY OR REGISTERED WITH THE DEPARTMENT OF ASSESSMENTS AND
30 TAXATION TO DO BUSINESS IN THE STATE.

31 (5) "TOTAL PAYMENT" MEANS THE NET PROCEEDS OF A SALE ACTUALLY
32 PAID TO A TRANSFEROR, INCLUDING THE FAIR MARKET VALUE OF ANY PROPERTY
33 TRANSFERRED TO THE TRANSFEROR.

34 (B) IN EVERY DEED OR OTHER INSTRUMENT OF WRITING THAT EFFECTS A
35 CHANGE OF OWNERSHIP ON THE ASSESSMENT BOOKS UNDER THE TAX - PROPERTY
36 ARTICLE, THE TOTAL PAYMENT SHALL BE DESCRIBED IN:

1 (1) THE RECITALS OR THE ACKNOWLEDGMENT OF THE DEED OR OTHER
2 INSTRUMENT; OR

3 (2) AN AFFIDAVIT UNDER OATH THAT ACCOMPANIES THE DEED OR
4 OTHER INSTRUMENT AND THAT IS SIGNED BY THE TRANSFEROR OF THE PROPERTY
5 OR BY AN AGENT OF THE TRANSFEROR.

6 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IN A SALE OR
7 EXCHANGE OF REAL PROPERTY AND ASSOCIATED TANGIBLE PERSONAL PROPERTY
8 OWNED BY A NONRESIDENT OR NONRESIDENT ENTITY, THE DEED OR OTHER
9 INSTRUMENT OF WRITING THAT EFFECTS A CHANGE OF OWNERSHIP ON THE
10 ASSESSMENT BOOKS UNDER THE TAX - PROPERTY ARTICLE MAY NOT BE RECORDED
11 WITH THE CLERK OF THE CIRCUIT COURT FOR A COUNTY OR FILED WITH THE
12 DEPARTMENT OF ASSESSMENTS AND TAXATION UNLESS PAYMENT IS MADE TO THE
13 CLERK OF THE CIRCUIT COURT FOR A COUNTY OR THE DEPARTMENT OF
14 ASSESSMENTS AND TAXATION IN AN AMOUNT EQUAL TO:

15 (1) 4.75% OF THE TOTAL PAYMENT TO A NONRESIDENT; OR

16 (2) 7% OF THE TOTAL PAYMENT TO A NONRESIDENT ENTITY.

17 (D) SUBSECTION (C) OF THIS SECTION DOES NOT APPLY WHEN:

18 (1) A CERTIFICATION UNDER PENALTIES OF PERJURY THAT THE
19 TRANSFEROR IS A RESIDENT OF THE STATE OR IS A RESIDENT ENTITY IS PROVIDED
20 BY EACH TRANSFEROR IN:

21 (I) THE RECITALS OR THE ACKNOWLEDGMENT OF THE DEED OR
22 OTHER INSTRUMENT OF WRITING TRANSFERRING THE PROPERTY TO THE
23 TRANSFeree; OR

24 (II) AN AFFIDAVIT SIGNED BY THE TRANSFEROR OR BY AN AGENT
25 OF THE TRANSFEROR THAT ACCOMPANIES AND IS RECORDED WITH THE DEED OR
26 OTHER INSTRUMENT OF WRITING TRANSFERRING THE PROPERTY;

27 (2) THE TRANSFEROR PRESENTS TO THE CLERK OF THE CIRCUIT
28 COURT FOR A COUNTY OR THE DEPARTMENT OF ASSESSMENTS AND TAXATION A
29 CERTIFICATE ISSUED BY THE COMPTROLLER STATING THAT:

30 (I) NO TAX IS DUE FROM THAT TRANSFEROR IN CONNECTION
31 WITH THAT SALE OR EXCHANGE OF PROPERTY;

32 (II) A REDUCED AMOUNT OF TAX IS DUE FROM THAT TRANSFEROR
33 IN CONNECTION WITH THAT SALE OR EXCHANGE OF PROPERTY AND STATING THE
34 REDUCED AMOUNT THAT SHOULD BE COLLECTED BY THE CLERK OF THE CIRCUIT
35 COURT FOR A COUNTY OR THE DEPARTMENT OF ASSESSMENTS AND TAXATION
36 BEFORE RECORDATION OR FILING; OR

1 (III) THE TRANSFEROR HAS SATISFIED THE TRANSFEROR'S TAX
2 LIABILITY DESCRIBED IN SUBSECTION (C) OF THIS SECTION OR HAS PROVIDED
3 ADEQUATE SECURITY TO COVER SUCH LIABILITY;

4 (3) THE PROPERTY IS TRANSFERRED PURSUANT TO:

5 (I) FORECLOSURE OF A MORTGAGE, DEED OF TRUST, OR OTHER
6 LIEN INSTRUMENT; OR

7 (II) A DEED IN LIEU OF FORECLOSURE;

8 (4) THE PROPERTY IS TRANSFERRED BY THE UNITED STATES, THE
9 STATE, OR A UNIT OR POLITICAL SUBDIVISION OF THE STATE; OR

10 (5) A CERTIFICATION UNDER PENALTIES OF PERJURY THAT THE
11 PROPERTY BEING TRANSFERRED IS THE TRANSFEROR'S PRINCIPAL RESIDENCE IS
12 PROVIDED BY EACH TRANSFEROR IN:

13 (I) THE RECITALS OR THE ACKNOWLEDGMENT OF THE DEED OR
14 OTHER INSTRUMENT OF WRITING TRANSFERRING THE PROPERTY TO THE
15 TRANSFeree; OR

16 (II) AN AFFIDAVIT SIGNED BY THE TRANSFEROR OR BY AN AGENT
17 OF THE TRANSFEROR THAT ACCOMPANIES AND IS RECORDED WITH THE DEED OR
18 OTHER INSTRUMENT OF WRITING TRANSFERRING THE PROPERTY.

19 (E) (1) EXCEPT AS PROVIDED IN THIS SECTION, THE AMOUNTS DESCRIBED
20 IN SUBSECTION (C) OF THIS SECTION SHALL BE COLLECTED BY THE CLERK OF THE
21 CIRCUIT COURT FOR A COUNTY OR THE DEPARTMENT OF ASSESSMENTS AND
22 TAXATION WHEN THE DEED OR OTHER INSTRUMENT OF WRITING IS PRESENTED
23 FOR RECORDATION OR FILING.

24 (2) WITHIN 30 BUSINESS DAYS AFTER THE DATE THE AMOUNT PAYABLE
25 UNDER SUBSECTION (C) OF THIS SECTION IS PAID, THE CLERK OF THE CIRCUIT
26 COURT FOR THE COUNTY OR THE DEPARTMENT OF ASSESSMENTS AND TAXATION
27 SHALL PAY OVER TO THE COMPTROLLER THE AMOUNT COLLECTED UNDER
28 SUBSECTION (C) OF THIS SECTION AS PRESCRIBED BY THE COMPTROLLER.

29 (F) (1) AMOUNTS COLLECTED UNDER SUBSECTION (C) OF THIS SECTION
30 AND PAID OVER TO THE COMPTROLLER UNDER SUBSECTION (E) OF THIS SECTION
31 SHALL BE DEEMED TO HAVE BEEN PAID TO THE COMPTROLLER ON BEHALF OF THE
32 TRANSFEROR FROM WHOM THE AMOUNTS WERE WITHHELD.

33 (2) THE TRANSFEROR SHALL BE CREDITED WITH HAVING PAID THE
34 AMOUNTS FOR THE TAXABLE YEAR IN WHICH THE TRANSACTION THAT IS THE
35 SUBJECT OF THE TAX OCCURRED.

36 (G) THE TRANSFeree, TITLE INSURANCE PRODUCER, TITLE INSURER,
37 SETTLEMENT AGENT, CLOSING ATTORNEY, LENDING INSTITUTION, AND REAL
38 ESTATE AGENT OR BROKER IN ANY TRANSACTION SUBJECT TO THIS SECTION ARE

1 NOT LIABLE FOR ANY AMOUNTS REQUIRED TO BE COLLECTED AND PAID OVER TO
 2 THE COMPTROLLER UNDER THIS SECTION.

3 (H) THIS SECTION DOES NOT:

4 (1) IMPOSE ANY TAX ON A TRANSFEROR OR AFFECT ANY LIABILITY OF
 5 THE TRANSFEROR FOR ANY TAX; OR

6 (2) PROHIBIT THE COMPTROLLER FROM COLLECTING ANY TAXES DUE
 7 FROM A TRANSFEROR IN ANY OTHER MANNER AUTHORIZED BY LAW.

8 (1) (1) THE COMPTROLLER SHALL ADOPT REGULATIONS TO ADMINISTER
 9 THIS SECTION.

10 (2) THE COMPTROLLER'S REGULATIONS SHALL ESTABLISH
 11 PROCEDURES FOR THE ISSUANCE OF THE CERTIFICATE REFERRED TO IN
 12 SUBSECTION (D)(2) OF THIS SECTION.

13 (3) THE COMPTROLLER'S REGULATIONS SHALL ESTABLISH A
 14 PROCEDURE BY WHICH A TRANSFEROR MAY APPLY FOR AN EARLY REFUND OF THE
 15 TAX COLLECTED UNDER THIS SECTION IF THE TRANSFEROR ESTABLISHES THAT NO
 16 TAX WILL BE OWED OR LESS TAX THAN COLLECTED WILL BE OWED.

17 11-501.

18 (a) A buyer who fails to pay the sales and use tax on a purchase or use subject
 19 to the tax to the vendor as required in § 11-403 of this title or who is required by
 20 regulation to file a return for a purchase or use subject to the tax shall complete, under
 21 oath, and file with the Comptroller a sales and use tax return:

22 (1) on or before the [21st] 20TH day of the month that follows the month
 23 in which the buyer makes that purchase or use; and

24 (2) for other periods and on other dates that the Comptroller specifies, by
 25 regulation, including periods in which the buyer does not make any purchase or use
 26 subject to the sales and use tax.

27 11-502.

28 (a) Each vendor shall complete, under oath, and file with the Comptroller a
 29 sales and use tax return:

30 (1) on or before the [21st] 20TH day of the month that follows the month
 31 in which the vendor makes any retail sale or sale for use; and

32 (2) for other periods and on other dates that the Comptroller specifies by
 33 regulation, including periods in which the vendor does not make any retail sale or sale
 34 for use.

1 13-104.

2 (a) (1) Subject to the approval of the Treasurer and subject to the limitation
3 under paragraph (2) of this subsection, the Comptroller or the Department may
4 provide by regulation for the payment of any unpaid tax liability in connection with a
5 tax return, report, or other document required to be filed with the Comptroller or the
6 Department in funds that are immediately available to the State on the date the
7 payment is due.

8 (2) Except as provided in paragraph (3) of this subsection, the
9 Comptroller or the Department may not require payment in funds that are
10 immediately available to the State if the unpaid tax liability in connection with a tax
11 return, report, or other document is less than [\$20,000] \$10,000.

12 (3) (i) The Comptroller may require a person who is an agent of the
13 payor or employer as defined in § 10-905 of this article to make payments in
14 immediately available funds on the date the payment is due by the employer or payor
15 if the total amount of the payments to be made by the agent for any pay period exceeds
16 [\$20,000] \$10,000 in the aggregate.

17 (ii) Any amounts for which an agent has not received timely
18 payment from an employer or payor:

19 1. shall be excluded for purposes of determining whether the
20 total amount of payments to be made by an agent for a pay period exceeds [\$20,000]
21 \$10,000 in the aggregate; and

22 2. may not be required to be paid in immediately available
23 funds under this paragraph.

24 (iii) This paragraph does not impose or affect liability for the
25 payment of any tax.

26 13-203.

27 (c) Tax information may be disclosed to:

28 (1) an employee or officer of the State who, by reason of that employment
29 or office, has the right to the tax information;

30 (2) another tax collector;

31 (3) the Maryland Tax Court; [and]

32 (4) a legal representative of the State, to review the tax information about
33 a taxpayer:

34 (i) who applies for review under this title;

35 (ii) who appeals from a determination under this title; or

1 (iii) against whom an action to recover tax or a penalty is pending or
2 will be initiated under this title; AND

3 (5) ANY LICENSE ISSUING AUTHORITY OF THE STATE REQUIRED BY
4 STATE LAW TO VERIFY THROUGH THE COMPTROLLER THAT AN APPLICANT HAS PAID
5 ALL UNDISPUTED TAXES AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS
6 PAYABLE TO THE COMPTROLLER OR THE SECRETARY OF LABOR, LICENSING, AND
7 REGULATION OR THAT THE APPLICANT HAS PROVIDED FOR PAYMENT IN A MANNER
8 SATISFACTORY TO THE UNIT RESPONSIBLE FOR COLLECTION.

9 13-602.

10 (a) Except as provided in subsections (b) and (c) of this section, a tax collector
11 shall assess interest on unpaid tax from the due date to the date on which the tax is
12 paid if a person who is required to estimate and pay financial institution franchise
13 tax, public service company franchise tax, or income tax under § 8-210(b), § 8-405(b),
14 or § 10-902 of this article:

15 (1) fails to pay an installment when due; or

16 (2) estimates a tax that is:

17 (i) less than 90% of the tax required to be shown on the return for
18 the current taxable year; and

19 (ii) less than 110% OF the tax paid for the prior taxable year,
20 reduced by the credit allowed under § 10-703 of this article.

21 13-702.

22 (a) Except as provided in subsections (b) and (c) of this section, a tax collector
23 shall assess a penalty not exceeding 25% of the amount underestimated, if a person
24 who is required to estimate and pay financial institution franchise tax, public service
25 company franchise tax, or income tax under § 8-210(b), § 8-405(b), or § 10-902 of this
26 article:

27 (1) fails to pay an installment when due; or

28 (2) estimates a tax that is:

29 (i) less than 90% of the tax required to be shown on the return for
30 the current taxable year; and

31 (ii) less than 110% OF the tax paid for the prior taxable year,
32 reduced by the credit allowed under § 10-703 of this article.

33 13-803.

34 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
35 INDICATED.

1 (2) "NONRESIDENT CONTRACTOR" MEANS A CONTRACTOR THAT DOES
2 NOT MAINTAIN A REGULAR PLACE OF BUSINESS IN THIS STATE.

3 (3) (I) "REGULAR PLACE OF BUSINESS" MEANS:

4 1. A BONA FIDE OFFICE, OTHER THAN A STATUTORY OFFICE;

5 2. A FACTORY;

6 3. A WAREHOUSE; OR

7 4. ANY OTHER SPACE IN THIS STATE:

8 A. AT WHICH A PERSON IS DOING BUSINESS IN ITS OWN
9 NAME IN A REGULAR AND SYSTEMATIC MANNER; AND

10 B. THAT IS CONTINUOUSLY MAINTAINED, OCCUPIED, AND
11 USED BY THE PERSON IN CARRYING ON ITS BUSINESS THROUGH ITS REGULAR
12 EMPLOYEES REGULARLY IN ATTENDANCE.

13 (II) "REGULAR PLACE OF BUSINESS" DOES NOT INCLUDE A
14 TEMPORARY OFFICE AT THE SITE OF CONSTRUCTION.

15 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OR (3) OF THIS
16 SUBSECTION, ANY PERSON DOING BUSINESS WITH A NONRESIDENT CONTRACTOR
17 UNDER A CONTRACT THAT EQUALS OR EXCEEDS \$50,000 OR REASONABLY CAN BE
18 EXPECTED TO EQUAL OR EXCEED \$50,000 SHALL WITHHOLD PAYMENT OF 3% OF THE
19 CONTRACT PRICE UNTIL 30 DAYS AFTER THE NONRESIDENT CONTRACTOR HAS:

20 (I) COMPLETED THE CONTRACT;

21 (II) REQUESTED IN WRITING FOR THE COMPTROLLER TO ISSUE A
22 TAX CLEARANCE CERTIFICATE; AND

23 (III) PROVIDED A RECEIPTED COPY OF THE REQUEST TO THE
24 PERSON REQUIRED TO WITHHOLD THE PAYMENT.

25 (2) THIS SUBSECTION APPLIES ONLY TO A PERSON WHO ENTERS INTO A
26 DIRECT CONTRACT WITH A NONRESIDENT CONTRACTOR AND MAY NOT BE
27 CONSTRUED TO IMPOSE ANY LIABILITY ON AN OWNER OF PROPERTY UNLESS THE
28 OWNER ENTERS INTO A DIRECT CONTRACT WITH A NONRESIDENT CONTRACTOR.

29 (3) THIS SUBSECTION DOES NOT APPLY TO:

30 (I) AN OWNER OF PROPERTY WHO CONTRACTS FOR THE
31 IMPROVEMENT OF RESIDENTIAL REAL PROPERTY THAT THE OWNER OCCUPIES OR
32 INTENDS TO OCCUPY; OR

33 (II) A CONTRACT FOR THE IMPROVEMENT OF REAL PROPERTY IF
34 THE TOTAL VALUE OF THE IMPROVEMENT IS LESS THAN \$500,000 OR A

1 SUBCONTRACT UNDER A CONTRACT FOR THE IMPROVEMENT OF REAL PROPERTY IF
2 THE TOTAL VALUE OF THE IMPROVEMENT IS LESS THAN \$500,000.

3 (C) (1) WITHIN 30 DAYS AFTER RECEIPT OF A WRITTEN REQUEST FOR A TAX
4 CLEARANCE CERTIFICATE, THE COMPTROLLER SHALL FURNISH TO THE
5 NONRESIDENT CONTRACTOR AND TO THE PERSON REQUIRED TO WITHHOLD THE
6 PAYMENT:

7 (I) A CERTIFICATE OF NO TAX DUE FROM THE NONRESIDENT
8 CONTRACTOR; OR

9 (II) A CERTIFICATE THAT TAXES ARE DUE, INCLUDING THE
10 AMOUNT OF SALES AND USE TAX, INCOME TAX WITHHELD, OR BOTH, DUE FROM THE
11 NONRESIDENT CONTRACTOR INCLUDING ANY INTEREST AND PENALTIES.

12 (2) IF THE COMPTROLLER FURNISHES A CERTIFICATE OF NO TAX DUE
13 FROM THE NONRESIDENT CONTRACTOR OR IF THE COMPTROLLER FAILS TO
14 PROVIDE, WITHIN 30 DAYS AFTER RECEIPT OF A WRITTEN REQUEST FOR A TAX
15 CLEARANCE CERTIFICATE, TO BOTH THE NONRESIDENT CONTRACTOR AND THE
16 PERSON REQUIRED TO WITHHOLD THE PAYMENT, A CERTIFICATE UNDER
17 PARAGRAPH (1)(I) OR (II) OF THIS SUBSECTION, THE PERSON REQUIRED TO
18 WITHHOLD THE PAYMENT MAY PAY THE NONRESIDENT CONTRACTOR THE AMOUNT
19 WITHHELD UNDER THE TERMS OF THE CONTRACT FREE FROM ANY CLAIMS OF THE
20 COMPTROLLER AGAINST THE PERSON REQUIRED TO WITHHOLD THE PAYMENT.

21 (3) IF THE COMPTROLLER FURNISHES A CERTIFICATE THAT TAXES ARE
22 DUE FROM THE NONRESIDENT CONTRACTOR, THE PERSON REQUIRED TO WITHHOLD
23 THE PAYMENT:

24 (I) SHALL PAY OVER TO THE COMPTROLLER THE AMOUNT DUE AS
25 STATED IN THE CERTIFICATE UP TO 3% OF THE CONTRACT PRICE, TAKING A RECEIPT
26 FOR THE AMOUNT; AND

27 (II) MAY PAY TO THE NONRESIDENT CONTRACTOR THE EXCESS OF
28 THE AMOUNT WITHHELD OVER THE AMOUNT DUE AS STATED IN THE CERTIFICATE.

29 (4) ON PAYING OVER AMOUNTS WITHHELD TO THE COMPTROLLER AS
30 REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE PERSON REQUIRED TO
31 WITHHOLD THE PAYMENT IS FREE FROM:

32 (I) ANY CLAIM OF THE NONRESIDENT CONTRACTOR FOR THAT
33 AMOUNT; AND

34 (II) ANY CLAIM OF THE COMPTROLLER FOR TAXES DUE FROM THE
35 NONRESIDENT CONTRACTOR.

36 (D) (1) A PERSON THAT FAILS TO WITHHOLD OR TO PAY OVER THE
37 AMOUNTS WITHHELD AS REQUIRED IN THIS SECTION SHALL BE PERSONALLY
38 LIABLE FOR THE PAYMENT OF ANY SALES AND USE TAX OR INCOME TAX WITHHELD
39 ATTRIBUTABLE TO THE CONTRACT UP TO 3% OF THE CONTRACT PRICE.

1 (2) THE AMOUNTS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
 2 BE RECOVERABLE BY THE COMPTROLLER BY APPROPRIATE LEGAL PROCEEDINGS,
 3 WHICH MAY INCLUDE THE ISSUANCE OF AN ASSESSMENT UNDER THIS ARTICLE.

4 (E) (1) A NONRESIDENT CONTRACTOR'S LIABILITY FOR ANY SALES AND USE
 5 TAX OR INCOME TAX WITHHELD ATTRIBUTABLE TO A CONTRACT THAT IS SUBJECT
 6 TO THIS SECTION IS NOT AFFECTED BY:

7 (1) THE COMPTROLLER'S FAILURE TO PROVIDE A CERTIFICATE
 8 UNDER SUBSECTION (C)(1)(I) OR (II) OF THIS SECTION WITHIN 30 DAYS AFTER
 9 RECEIPT OF A WRITTEN REQUEST FOR A TAX CLEARANCE CERTIFICATE; OR

10 (II) THE ISSUANCE OF AN ERRONEOUS CERTIFICATE BY THE
 11 COMPTROLLER UNDER THIS SECTION.

12 (2) THE RELEASE OF PAYMENT WITHHELD UNDER THIS SECTION TO A
 13 NONRESIDENT CONTRACTOR OR THE PAYMENT OVER OF AMOUNTS WITHHELD TO
 14 THE COMPTROLLER BY A PERSON REQUIRED TO WITHHOLD PAYMENT UNDER THIS
 15 SECTION DOES NOT AFFECT A NONRESIDENT CONTRACTOR'S LIABILITY FOR ANY
 16 SALES AND USE TAX OR INCOME TAX WITHHELD IN EXCESS OF THE AMOUNT PAID
 17 OVER TO THE COMPTROLLER.

18 (3) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE
 19 COMPTROLLER FROM COLLECTING TAXES DUE FROM A NONRESIDENT
 20 CONTRACTOR IN ANY OTHER MANNER AUTHORIZED BY LAW.

21 13-804.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 23 INDICATED.

24 (2) (I) "ACCOUNT" MEANS:

25 1. ANY FUNDS FROM A DEMAND DEPOSIT ACCOUNT,
 26 CHECKING ACCOUNT, NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNT, SAVINGS
 27 ACCOUNT, TIME DEPOSIT ACCOUNT, MONEY MARKET MUTUAL FUND ACCOUNT, OR
 28 CERTIFICATE OF DEPOSIT ACCOUNT;

29 2. ANY FUNDS PAID TOWARDS THE PURCHASE OF SHARES
 30 OR OTHER INTEREST IN A FINANCIAL INSTITUTION, AS DEFINED IN PARAGRAPH
 31 (4)(II) AND (III) OF THIS SUBSECTION; AND

32 3. ANY FUNDS OR PROPERTY HELD BY A FINANCIAL
 33 INSTITUTION, AS DEFINED IN PARAGRAPH (4)(IV) OF THIS SUBSECTION.

34 (II) "ACCOUNT" DOES NOT INCLUDE:

35 1. AN ACCOUNT OR PORTION OF AN ACCOUNT TO WHICH AN
 36 OBLIGOR DOES NOT HAVE ACCESS DUE TO THE PLEDGE OF THE FUNDS AS SECURITY
 37 FOR A LOAN OR OTHER OBLIGATION;

1 2. FUNDS OR PROPERTY DEPOSITED TO AN ACCOUNT AFTER
2 THE TIME THAT THE FINANCIAL INSTITUTION INITIALLY ATTACHES THE ACCOUNT;

3 3. AN ACCOUNT OR PORTION OF AN ACCOUNT TO WHICH
4 THE FINANCIAL INSTITUTION HAS A PRESENT RIGHT TO EXERCISE A RIGHT OF
5 SETOFF;

6 4. AN ACCOUNT OR PORTION OF AN ACCOUNT THAT HAS AN
7 ACCOUNT HOLDER OF INTEREST NAMED AS AN OWNER ON THE ACCOUNT; OR

8 5. AN ACCOUNT OR PORTION OF AN ACCOUNT TO WHICH
9 THE OBLIGOR DOES NOT HAVE AN UNCONDITIONAL RIGHT OF ACCESS.

10 (3) "ACCOUNT HOLDER OF INTEREST" MEANS ANY PERSON, OTHER
11 THAN THE OBLIGOR, WHO ASSERTS AN OWNERSHIP INTEREST IN AN ACCOUNT.

12 (4) "FINANCIAL INSTITUTION" MEANS:

13 (I) A DEPOSITORY INSTITUTION, AS DEFINED IN THE FEDERAL
14 DEPOSIT INSURANCE ACT UNDER 12 U.S.C. § 1813(C);

15 (II) A FEDERAL CREDIT UNION OR STATE CREDIT UNION, AS
16 DEFINED IN THE FEDERAL CREDIT UNION ACT UNDER 12 U.S.C. § 1752;

17 (III) A STATE CREDIT UNION REGULATED UNDER TITLE 6 OF THE
18 FINANCIAL INSTITUTIONS ARTICLE; OR

19 (IV) A BENEFIT ASSOCIATION, INSURANCE COMPANY, SAFE
20 DEPOSIT COMPANY, MONEY MARKET MUTUAL FUND, OR SIMILAR ENTITY DOING
21 BUSINESS IN THE STATE THAT HOLDS PROPERTY OR MAINTAINS ACCOUNTS
22 REFLECTING PROPERTY BELONGING TO OTHERS.

23 (5) "OBLIGOR" MEANS A PERSON WHOSE PROPERTY IS SUBJECT TO A
24 TAX LIEN.

25 (B) THE COMPTROLLER MAY REQUEST FROM A FINANCIAL INSTITUTION
26 INFORMATION AND ASSISTANCE TO ENABLE THE COMPTROLLER TO ENFORCE THE
27 TAX LAWS OF THE STATE.

28 (C) (1) THE COMPTROLLER MAY REQUEST NOT MORE THAN FOUR TIMES A
29 YEAR FROM A FINANCIAL INSTITUTION THE INFORMATION SET FORTH IN
30 SUBSECTION (D)(2) OF THIS SECTION CONCERNING ANY OBLIGOR WHO IS
31 DELINQUENT IN THE PAYMENT OF TAXES.

32 (2) A REQUEST FOR INFORMATION BY THE COMPTROLLER UNDER
33 PARAGRAPH (1) OF THIS SUBSECTION SHALL:

34 (I) CONTAIN:

35 1. THE FULL NAME OF THE OBLIGOR AND ANY OTHER
36 NAMES KNOWN TO BE USED BY THE OBLIGOR; AND

1 (2) OTHER ACTION TAKEN IN GOOD FAITH TO COMPLY WITH THE
2 REQUIREMENTS OF THIS SECTION.

3 (F) A FINANCIAL INSTITUTION FURNISHING A REPORT TO THE
4 COMPTROLLER UNDER THIS SECTION IS PROHIBITED FROM DISCLOSING TO AN
5 OBLIGOR THAT THE NAME OF THAT OBLIGOR HAS BEEN RECEIVED FROM OR
6 FURNISHED TO THE COMPTROLLER.

7 13-811.

8 (a) (1) In this section[, "paymaster":

9 (1) means] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

10 (2) "PAYMASTER":

11 (1) MEANS an employer's officer, representative, agent, or employee
12 charged with the duty of paying salary, wages, or other compensation for personal
13 services to an employee named in a notice of lien; and

14 [(2)] (II) if the person named in a notice of lien is employed by the federal
15 government or its instrumentality with an office in the State where employee records
16 are kept, whether or not payroll records are kept or the payroll is prepared at that
17 office, includes the employee who:

18 [(i)] 1. is designated to keep and maintain employee records in
19 that office; and

20 [(ii)] 2. is or may be designated to receive and distribute pay checks
21 to the employees.

22 (3) "TAX WAGE LIEN" MEANS THE LIEN ON WAGES DESCRIBED IN THIS
23 SECTION.

24 (B) A TAX LIEN FOR ANY TAX ADMINISTERED BY THE COMPTROLLER UNDER
25 THIS ARTICLE EXTENDS TO AND COVERS ALL SALARY, WAGES, OR OTHER
26 COMPENSATION FOR PERSONAL SERVICES THAT IS DUE OR BECOMES PAYABLE ON
27 OR AFTER THE TIME THE LIEN ARISES.

28 [(b)] (C) The Comptroller promptly shall give notice of [an income] A tax wage
29 lien that states the lien amount, THE TYPE OF TAX, and the name of the person against
30 whom the lien is taken by:

31 (1) certified mail, return receipt requested, under the postmark of the
32 United States Postal Service, to the employer; or

33 (2) personal service on the employer.

34 [(c)] (D) (1) If an employer knows or has reason to know of the import of the
35 contents of the certified mail and refuses to accept its delivery, service as required
36 under subsection [(b)(1)] (C)(1) of this section is made when delivery is refused.

1 (2) Service as required under subsection [(b)(2)] (C)(2) of this section is
2 made when personal service is made on an officer or paymaster of the employer.

3 ~~[(d)]~~ (E) (1) From salary, wages, or other compensation for personal services
4 that is due or becomes payable on or after the date on which a notice of wage lien is
5 served to the date on which a notice of satisfaction or release of the wage lien is
6 received, an employer or paymaster promptly shall pay to the Comptroller any salary,
7 wages, or other compensation due to the delinquent taxpayer, excluding only those
8 amounts specified in paragraph (2) of this subsection.

9 (2) The amount excluded under paragraph (1) of this subsection from
10 amounts paid to the delinquent taxpayer is the amount exempt from attachment
11 provided in § 15-601.1 of the Commercial Law Article.

12 ~~[(e)]~~ (F) The Comptroller promptly shall give a notice of satisfaction or release
13 of [an income] A tax wage lien to each employer or paymaster who received notice of
14 the wage lien.

15 ~~[(f)]~~ (G) If, after service of a notice of [income] A tax wage lien, an employer or
16 paymaster pays an employee salary, wages, or other compensation for personal services
17 in excess of the amount allowed in subsection [(d)(2)] (E)(2) of this section, the
18 employer or paymaster or both shall be personally liable for the excess amount paid to
19 the employee. However, the total amount that the Comptroller recovers may not exceed
20 the total amount paid to the employee in violation of this section.

21 13-812.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) "ACCOUNT", "ACCOUNT HOLDER OF INTEREST", AND "FINANCIAL
25 INSTITUTION" HAVE THE MEANINGS STATED IN § 13-804 OF THIS SUBTITLE.

26 (3) "OBLIGOR" MEANS A PERSON WHOSE PROPERTY IS SUBJECT TO A
27 TAX LIEN.

28 (B) (1) (1) THE COMPTROLLER MAY SEND NOTICE OF A TAX LIEN TO ANY
29 FINANCIAL INSTITUTION THAT THE COMPTROLLER REASONABLY BELIEVES HOLDS
30 PROPERTY SUBJECT TO A TAX LIEN.

31 (II) THE NOTICE TO BE SENT UNDER THIS PARAGRAPH SHALL BE
32 PROVIDED BY:

33 1. FIRST-CLASS MAIL, UNDER THE POSTMARK OF THE
34 UNITED STATES POSTAL SERVICE, AT THE ADDRESS DESIGNATED FOR THIS
35 PURPOSE BY THE FINANCIAL INSTITUTION OR, IF NO ADDRESS HAS BEEN
36 DESIGNATED, TO THE PRINCIPAL OFFICE OF THE FINANCIAL INSTITUTION;

37 2. AN ELECTRONIC FORMAT AGREED ON BY THE
38 COMPTROLLER AND THE FINANCIAL INSTITUTION; OR

1 3. ANY OTHER REASONABLE MANNER AS AGREED ON BY
2 THE COMPTROLLER AND THE FINANCIAL INSTITUTION.

3 (2) THE NOTICE TO BE SENT BY THE COMPTROLLER TO A FINANCIAL
4 INSTITUTION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL CONTAIN:

5 (I) THE NAME OF THE OBLIGOR;

6 (II) THE AMOUNT OF THE TAX LIEN;

7 (III) THE LAST KNOWN ADDRESS OF THE OBLIGOR;

8 (IV) THE SOCIAL SECURITY NUMBER OR FEDERAL EMPLOYER
9 IDENTIFICATION NUMBER OF THE OBLIGOR; AND

10 (V) A NOTICE TO IMMEDIATELY SEIZE AND ATTACH FROM ONE OR
11 MORE ACCOUNTS HELD BY THE FINANCIAL INSTITUTION IN THE NAME OF THE
12 OBLIGOR AN AGGREGATE AMOUNT EQUAL TO THE LESSER OF THE AMOUNTS IN ALL
13 ACCOUNTS OR THE AMOUNT OF THE TAX LIEN.

14 (C) (1) ON RECEIPT OF THE NOTICE DESCRIBED IN SUBSECTION (B) OF THIS
15 SECTION, THE FINANCIAL INSTITUTION PROMPTLY SHALL SEIZE AND ATTACH FROM
16 ONE OR MORE OF THE ACCOUNTS OF THE OBLIGOR HELD BY THE FINANCIAL
17 INSTITUTION AN AGGREGATE AMOUNT EQUAL TO THE LESSER OF:

18 (I) THE TOTAL OF THE AMOUNTS IN ALL THE ACCOUNTS OF THE
19 OBLIGOR HELD BY THE FINANCIAL INSTITUTION; OR

20 (II) THE AMOUNT STATED IN THE NOTICE SENT UNDER
21 SUBSECTION (B) OF THIS SECTION.

22 (2) WITHIN 30 DAYS AFTER THE FINANCIAL INSTITUTION RECEIVES THE
23 NOTICE DIRECTING IT TO SEIZE AND ATTACH ACCOUNTS OF THE OBLIGOR, THE
24 FINANCIAL INSTITUTION SHALL SEND NOTICE TO THE COMPTROLLER, IN THE
25 MANNER SPECIFIED IN SUBSECTION (B) OF THIS SECTION, SPECIFYING THE
26 AGGREGATE AMOUNT HELD UNDER THIS SUBSECTION.

27 (3) (I) THE FINANCIAL INSTITUTION MAY ASSESS A FEE AGAINST THE
28 ACCOUNTS OR THE OBLIGOR, IN ADDITION TO THE AMOUNT IDENTIFIED IN THE
29 NOTICE UNDER SUBSECTION (B) OF THIS SECTION.

30 (II) IN THE CASE OF INSUFFICIENT FUNDS TO COVER BOTH THE
31 FEE AND THE AMOUNT IDENTIFIED IN THE NOTICE UNDER SUBSECTION (B) OF THIS
32 SECTION, THE FINANCIAL INSTITUTION MAY FIRST DEDUCT AND RETAIN THE FEE
33 FROM THE AMOUNT SEIZED AND ATTACHED AS PROVIDED IN THIS SECTION.

34 (4) THE FINANCIAL INSTITUTION MAY NOT BE HELD LIABLE TO ANY
35 PERSON, INCLUDING THE COMPTROLLER, THE OBLIGOR, OR ANY ACCOUNT HOLDER
36 OF INTEREST, FOR WRONGFUL DISHONOR OR FOR ANY OTHER CLAIM RELATING TO

1 THE SEIZURE AND ATTACHMENT OF AN ACCOUNT OR OTHER ACTIONS TAKEN IN
2 COMPLIANCE WITH THIS SECTION.

3 (D) (1) WITHIN 10 BUSINESS DAYS AFTER THE COMPTROLLER HAS
4 RECEIVED NOTICE FROM THE FINANCIAL INSTITUTION UNDER SUBSECTION (C)(2)
5 OF THIS SECTION, THE COMPTROLLER SHALL SEND A NOTICE TO THE OBLIGOR, BY
6 REGULAR MAIL, TO THE OBLIGOR'S LAST KNOWN ADDRESS.

7 (2) THE NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION, TO
8 THE EXTENT KNOWN BY THE COMPTROLLER:

9 (I) THE ADDRESS OF THE COMPTROLLER;

10 (II) THE TELEPHONE NUMBER, ADDRESS, AND NAME OF A
11 CONTACT PERSON AT THE OFFICE OF THE COMPTROLLER;

12 (III) THE NAME AND SOCIAL SECURITY NUMBER, FEDERAL
13 EMPLOYER IDENTIFICATION NUMBER, OR OTHER TAXPAYER IDENTIFICATION
14 NUMBER OF THE OBLIGOR;

15 (IV) THE ADDRESS OF THE OBLIGOR;

16 (V) FOR EACH ACCOUNT OF THE OBLIGOR, THE NAME OF THE
17 FINANCIAL INSTITUTION THAT HAS SEIZED AND ATTACHED AMOUNTS AS REQUIRED
18 BY THIS SECTION;

19 (VI) THE TOTAL AMOUNT OF THE TAX LIEN OWED BY THE OBLIGOR;

20 (VII) THE DATE THE NOTICE IS BEING SENT;

21 (VIII) A STATEMENT INFORMING THE OBLIGOR THAT THE
22 COMPTROLLER HAS DIRECTED THE FINANCIAL INSTITUTION TO SEIZE AND ATTACH
23 THE AMOUNT OF THE TAX LIEN OWED BY THE OBLIGOR FROM ONE OR MORE OF THE
24 ACCOUNTS OF THE OBLIGOR AND, ON SUBSEQUENT NOTICE BY THE COMPTROLLER,
25 TO FORWARD THE AMOUNT TO THE COMPTROLLER; AND

26 (IX) A STATEMENT INFORMING THE OBLIGOR THAT, UNLESS A
27 TIMELY CHALLENGE IS MADE BY THE OBLIGOR OR AN ACCOUNT HOLDER OF
28 INTEREST UNDER SUBSECTION (G) OF THIS SECTION, THE COMPTROLLER SHALL
29 NOTIFY THE FINANCIAL INSTITUTION TO FORWARD THE AMOUNT SEIZED AND
30 ATTACHED BY THE FINANCIAL INSTITUTION TO THE COMPTROLLER.

31 (3) THE COMPTROLLER SHALL NOT BE OBLIGATED TO SEND THE
32 NOTICE DESCRIBED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION IF, PRIOR TO
33 THE TIME THAT THE NOTICE MUST BE SENT, THE COMPTROLLER AND THE OBLIGOR
34 AGREE TO AN ARRANGEMENT UNDER WHICH THE OBLIGOR WILL PAY AMOUNTS
35 OWED UNDER THE TAX LIEN.

36 (E) (1) IF A TIMELY CHALLENGE IS NOT MADE BY THE OBLIGOR OR AN
37 ACCOUNT HOLDER OF INTEREST UNDER SUBSECTION (G) OF THIS SECTION, THE

1 COMPTROLLER SHALL SEND A NOTICE TO THE FINANCIAL INSTITUTION, IN THE
2 MANNER SPECIFIED IN SUBSECTION (B) OF THIS SECTION, DIRECTING THE
3 INSTITUTION TO:

4 (I) FORWARD THE AMOUNT SEIZED AND ATTACHED BY THE
5 FINANCIAL INSTITUTION TO THE COMPTROLLER;

6 (II) REDUCE THE AMOUNT SEIZED AND ATTACHED BY THE
7 FINANCIAL INSTITUTION TO A REVISED AMOUNT AS STATED, FORWARD THE
8 REVISED AMOUNT TO THE COMPTROLLER, AND RELEASE THE EXCESS AMOUNT; OR

9 (III) RELEASE THE AMOUNT SEIZED AND ATTACHED BY THE
10 FINANCIAL INSTITUTION.

11 (2) THE COMPTROLLER MAY SEND THE NOTICE DESCRIBED IN
12 PARAGRAPH (1) OF THIS SUBSECTION BEFORE THE TIME FOR FILING A TIMELY
13 CHALLENGE UNDER SUBSECTION (G) OF THIS SECTION ON AGREEMENT AMONG THE
14 COMPTROLLER, THE OBLIGOR, AND, IF THE COMPTROLLER IS AWARE OF AN
15 ACCOUNT HOLDER OF INTEREST, THE ACCOUNT HOLDER OF INTEREST.

16 (F) THE COMPTROLLER SHALL APPLY THE AMOUNT SEIZED AND FORWARDED
17 BY THE FINANCIAL INSTITUTION TO THE OBLIGOR'S TAX LIEN OBLIGATION.

18 (G) (1) AN OBLIGOR OR AN ACCOUNT HOLDER OF INTEREST MAY
19 CHALLENGE THE ACTIONS OF THE COMPTROLLER UNDER THIS SECTION BY FILING
20 A MOTION WITH THE CIRCUIT COURT WITHIN 10 DAYS OF THE DATE OF THE NOTICE
21 SENT UNDER SUBSECTION (D)(1) OF THIS SECTION.

22 (2) AN OBLIGOR OR AN ACCOUNT HOLDER OF INTEREST MAY
23 CHALLENGE THE ACTIONS OF THE COMPTROLLER BASED ON:

24 (I) A MISTAKE IN THE IDENTITY OF THE OBLIGOR;

25 (II) A MISTAKE IN THE OWNERSHIP OF THE ACCOUNT;

26 (III) A MISTAKE IN THE CONTENTS OF THE ACCOUNT;

27 (IV) INVALIDITY OF THE COMPTROLLER'S ACTIONS UNDER § 11-603
28 OF THE COURTS ARTICLE;

29 (V) A MISTAKE IN THE AMOUNT OF THE LIEN OBLIGATION DUE; OR

30 (VI) ANY OTHER GOOD CAUSE.

31 (3) AN OBLIGOR OR AN ACCOUNT HOLDER OF INTEREST MAY NOT
32 CHALLENGE THE ACTIONS OF THE COMPTROLLER BASED ON A MISTAKE OR ERROR
33 IN THE ORIGINAL TAX ASSESSMENT UNDERLYING THE TAX LIEN AGAINST THE
34 OBLIGOR.

35 (H) (1) THE COMPTROLLER MAY WITHDRAW THE NOTICE TO SEIZE AND
36 ATTACH ACCOUNTS BY SENDING NOTICE TO THE FINANCIAL INSTITUTION, IN THE

1 MANNER SPECIFIED IN SUBSECTION (B) OF THIS SECTION, DIRECTING THE
2 FINANCIAL INSTITUTION TO RELEASE THE ATTACHMENT ON THE ACCOUNTS.

3 (2) IF A DETERMINATION IS MADE BY THE COMPTROLLER OR BY THE
4 CIRCUIT COURT THAT THE ACCOUNT OR ACCOUNTS OF THE OBLIGOR SHOULD NOT
5 HAVE BEEN HELD, THE COMPTROLLER SHALL NOTIFY THE FINANCIAL INSTITUTION,
6 IN THE MANNER SPECIFIED IN SUBSECTION (B) OF THIS SECTION, TO RELEASE THE
7 AMOUNT SEIZED AND ATTACHED BY THE FINANCIAL INSTITUTION.

8 (3) IF A DETERMINATION IS MADE BY THE COMPTROLLER OR BY THE
9 CIRCUIT COURT, PURSUANT TO A CHALLENGE UNDER SUBSECTION (G) OF THIS
10 SECTION, TO REDUCE THE AMOUNT SEIZED AND ATTACHED BY THE FINANCIAL
11 INSTITUTION, THE COMPTROLLER SHALL NOTIFY THE FINANCIAL INSTITUTION, IN
12 THE MANNER SPECIFIED IN SUBSECTION (B) OF THIS SECTION, TO REVISE THE
13 AMOUNT AS STATED. FORWARD THE REVISED AMOUNT TO THE COMPTROLLER, AND
14 RELEASE THE EXCESS AMOUNT SEIZED AND ATTACHED BY THE FINANCIAL
15 INSTITUTION.

16 (4) IF A CHALLENGE MADE UNDER SUBSECTION (G) OF THIS SECTION IS
17 DENIED BY THE CIRCUIT COURT, THE COMPTROLLER SHALL NOTIFY THE FINANCIAL
18 INSTITUTION, IN THE MANNER SPECIFIED IN SUBSECTION (B) OF THIS SECTION, TO
19 FORWARD THE AMOUNT SEIZED AND ATTACHED BY THE FINANCIAL INSTITUTION TO
20 THE COMPTROLLER.

21 (I) A FINANCIAL INSTITUTION THAT COMPLIES WITH A NOTICE FROM THE
22 COMPTROLLER SENT UNDER THIS SECTION IS NOT LIABLE UNDER STATE LAW TO
23 ANY PERSON FOR:

24 (1) ANY DISCLOSURE OF INFORMATION TO THE COMPTROLLER UNDER
25 THIS SECTION;

26 (2) SEIZING AND ATTACHING ANY AMOUNTS FROM AN ACCOUNT OR
27 SENDING ANY AMOUNT SEIZED AND ATTACHED BY THE FINANCIAL INSTITUTION TO
28 THE COMPTROLLER; OR

29 (3) ANY OTHER ACTION TAKEN IN GOOD FAITH TO COMPLY WITH THE
30 REQUIREMENTS OF THIS SECTION.

31 (J) A FINANCIAL INSTITUTION HAS NO OBLIGATION TO REIMBURSE FEES
32 ASSESSED AS A RESULT OF THE COMPTROLLER INSTITUTING AN ACTION UNDER
33 THIS SECTION OR AS OTHERWISE PERMITTED BY LAW OR AUTHORIZED BY
34 CONTRACT.

35 (K) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE
36 COMPTROLLER FROM COLLECTING TAXES DUE FROM THE OBLIGOR IN ANY OTHER
37 MANNER AUTHORIZED BY LAW.

Article - Transportation

2 1-103.

3 (A) A LICENSE OR PERMIT IS CONSIDERED RENEWED FOR PURPOSES OF THIS
4 SECTION IF THE LICENSE OR PERMIT IS ISSUED BY A UNIT OF STATE GOVERNMENT
5 TO A PERSON FOR THE PERIOD IMMEDIATELY FOLLOWING A PERIOD FOR WHICH
6 THE PERSON PREVIOUSLY POSSESSED THE SAME OR A SUBSTANTIALLY SIMILAR
7 LICENSE.

8 (B) BEFORE ANY LICENSE OR PERMIT MAY BE RENEWED UNDER THIS
9 ARTICLE, THE ISSUING AUTHORITY SHALL VERIFY THROUGH THE OFFICE OF THE
10 COMPTROLLER THAT THE APPLICANT HAS PAID ALL UNDISPUTED TAXES AND
11 UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR
12 THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR THAT THE APPLICANT
13 HAS PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT
14 RESPONSIBLE FOR COLLECTION.

15 (C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO LICENSES ISSUED
16 UNDER:

17 (1) TITLE 13 OF THIS ARTICLE (MOTOR VEHICLE REGISTRATIONS); OR

18 (2) TITLE 16 OF THIS ARTICLE (DRIVERS' LICENSES).

19 ~~SECTION 19-21-25.~~ AND BE IT FURTHER ENACTED, That if any
20 provision of this Act or the application thereof to any person or circumstance is held
21 invalid for any reason in a court of competent jurisdiction, the invalidity does not
22 affect other provisions or any other application of this Act which can be given effect
23 without the invalid provision or application, and for this purpose the provisions of this
24 Act are declared severable.

25 ~~SECTION 22-26.~~ AND BE IT FURTHER ENACTED, That Section 2 of this Act
26 shall take effect October 1, 2003.

27 ~~SECTION 23-27.~~ AND BE IT FURTHER ENACTED, That Section 4 of this Act
28 shall take effect July 1, 2003.

29 ~~SECTION 28.~~ AND BE IT FURTHER ENACTED, That § 10-803 of the Tax -
30 General Article as enacted by Section 24 of this Act shall be applicable to contracts
31 entered into on or after July 1, 2003.

32 ~~SECTION 29.~~ AND BE IT FURTHER ENACTED, That §§ 10-912, 13-804,
33 and 13-812 of the Tax - General Article as enacted by Section 24 of this Act shall take
34 effect October 1, 2003.

35 ~~SECTION 30.~~ AND BE IT FURTHER ENACTED, That the changes to §§
36 2-106 and 10-822 of the Tax - General Article by Section 24 of this Act shall take
37 effect January 1, 2004.

1 SECTION 31. AND BE IT FURTHER ENACTED, That the fee required to be
2 paid with an annual report under § 1-203(b) of the Corporations and Associations
3 Article as enacted by Section 24 of this Act shall be applicable to all annual reports
4 filed after December 31, 2003.

5 SECTION 32. AND BE IT FURTHER ENACTED, That the changes to §§
6 13-602 and 13-702 of the Tax - General Article as enacted by Section 24 of this Act
7 shall be applicable to all taxable years beginning after December 31, 2003.

8 SECTION 33. AND BE IT FURTHER ENACTED, That, subject to Sections 28
9 through 32 of this Act, Section 24 of this Act shall take effect July 1, 2003.

10 SECTION 24. 34. AND BE IT FURTHER ENACTED, That Section 19 of this Act
11 shall take effect July 1, 2004. Any balance remaining in the Maryland Competitive
12 Advantage Financing Fund on June 30, 2004 shall be credited to the General Fund of
13 the State.

14 SECTION 20. 25.-35. AND BE IT FURTHER ENACTED, That, ~~except as~~
15 ~~otherwise provided in Sections 22 through 26 of this Act~~ subject to Sections 26 through
16 34 of this Act, this Act shall take effect June 1, 2003.